

Exhibit C

<p style="text-align: center;">Page 1</p> <p style="text-align: center;">IN THE UNITED STATES DISTRICT COURT COURT FOR THE SOUTHERN DISTRICT OF TEXAS HOUSTON DIVISION</p> <p>VIRGINIA ELIZONDO, Plaintiff, V. Civil Action No. 4:21-CV-01997 SPRING BRANCH INDEPENDENT SCHOOL DISTRICT, ET AL., Defendants. </p> <p>***** ORAL DEPOSITION OF CHRISTINE PORTER DECEMBER 28, 2021 *****</p> <p>ORAL DEPOSITION of CHRISTINE PORTER, produced as a witness at the instance of the Defendants, and duly sworn, was taken in the above-styled and numbered cause on December 28, 2021, from 9:34 a.m. to 11:45 a.m., before Mendy A. Schneider, CSR, RPR, in and for the State of Texas, recorded by machine shorthand, at the offices of Spring Branch ISD Athletic Center, 1050 Dairy Ashford, Houston, Texas, pursuant to the Texas Rules of Civil Procedure and the provisions stated on the record or attached hereto; that the deposition shall be read and signed before any notary public.</p>	<p style="text-align: right;">Page 3</p> <p>1 EXAMINATION INDEX 2 WITNESS: CHRISTINE PORTER 3 EXAMINATION PAGE BY MR. ABRAMS 4 4 SIGNATURE REQUESTED 92 5 REPORTER'S CERTIFICATION 93 6 EXHIBIT INDEX 7 8 SBISD EXHIBIT NO. 1 PAGE 6 Notice of Deposition 9 SBISD EXHIBIT NO. 2 24 District Web Site Screenshot 10 SBISD EXHIBIT NO. 3 30 2010 to 2021 District List of Candidates 11 12 SBISD EXHIBIT NO. 4 39 Map 13 SBISD EXHIBIT NO. 5 44 Map 14 15 SBISD EXHIBIT NO. 6 50 Map 16 SBISD EXHIBIT NO. 7 53 Map 17 18 SBISD EXHIBIT NO. 8 65 Notice of Trustee Election 19 SBISD EXHIBIT NO. 9 70 Spring Branch ISD 10-Year Per Student 20 Cost General Fund 21 22 23 24 25</p>
<p style="text-align: center;">Page 2</p> <p>1 APPEARANCES 2 3 FOR THE PLAINTIFF: 4 MR. BARRY ABRAMS BLANK ROME 5 717 Texas Avenue, Suite 1400 Houston, Texas 77002 6 (713) 228-6601 Babrams@blankrome.com 7 8 FOR THE DEFENDANTS: 9 MR. CHARLES J. CRAWFORD ABERNATHY ROEDER BOYD HULLETT 10 1700 North Redbud Boulevard, Suite 300 McKinney, Texas 75069 11 (214) 544-4000 Ccrawford@abernathy-law.com 12 13 ALSO PRESENT: MS. AUDREY SHAKRA 14 15 16 17 18 19 20 21 22 23 24 25</p>	<p style="text-align: right;">Page 4</p> <p>1 CHRISTINE PORTER, 2 having been first duly sworn, testified as follows: 3 EXAMINATION 4 BY MR. ABRAMS: 5 Q. Good morning. 6 A. Good morning. 7 Q. Would you please state your name? 8 A. Christine Porter. 9 Q. Ms. Porter, my name is Barry Abrams. I'm a 10 lawyer representing Virginia Elizondo in a lawsuit 11 against the Spring Branch Independent School District 12 and its board members in their official capacities. 13 Do you understand that? 14 A. Yes. 15 Q. What do you do for a living? 16 A. I am the chief financial officer for Spring 17 Branch ISD currently. I've actually been in school 18 finance in a few different school districts for the 19 past 30 years. 20 Q. And at Spring Branch, what does that entail? 21 A. It entails primarily handling all financial 22 aspects of the district, the collection, the expending 23 of all dollars. 24 And in that role, I oversee finance, tax 25 office, purchasing, child nutrition, and federal</p>

<p style="text-align: right;">Page 5</p> <p>1 funds. I also have the role of being the election 2 official for the district.</p> <p>3 Q. Do you understand that we're here today for 4 you to provide sworn testimony that can be used in the 5 lawsuit?</p> <p>6 The number is 4:21-CV-01997. It's 7 titled Virginia Elizondo versus Spring Branch 8 Independent School District and it's pending in the 9 United States District Court for the Southern District 10 of Texas Houston Division.</p> <p>11 Do you understand that's why we're here?</p> <p>12 A. Yes, I do.</p> <p>13 Q. If I refer to that proceeding as "the 14 lawsuit," will you know what I'm talking about?</p> <p>15 A. Yes.</p> <p>16 Q. What's your understanding about the basis for 17 the lawsuit?</p> <p>18 A. My understanding is that there is a feeling 19 by Virginia but I believe representing a group of 20 people who feel underrepresented specifically on the 21 board of trustees and within the dealings of the 22 school district.</p> <p>23 Q. Do you understand that the lawsuit is being 24 brought under what's called the Federal Voting Rights 25 Act?</p>	<p style="text-align: right;">Page 7</p> <p>1 A. I think -- I believe through conversations 2 with the superintendent, our general counsel felt that 3 I would be the one that could best answer certain of 4 these questions.</p> <p>5 Q. And who authorized you to appear today in the 6 capacity as a representative for the district?</p> <p>7 A. The superintendent.</p> <p>8 Q. Who decided what topics you would be 9 designated to testify about on behalf of the district?</p> <p>10 A. That was through discussion with our general 11 counsel.</p> <p>12 Q. What preparation have you made to appear 13 today as the corporate representative on the 14 district's behalf with respect to certain of the 15 topics that are listed in the notice?</p> <p>16 A. I read through the various topics and tried 17 to ensure that I understood what they meant, what was 18 being asked for, and then if I had certain documents 19 that I could review to make sure that -- or background 20 knowledge just to make sure I could have those facts 21 ready to talk about today.</p> <p>22 Q. Have you brought any documents with you here 23 today to assist you in testifying?</p> <p>24 A. No, I did not bring any documents.</p> <p>25 Q. Who did you speak with to prepare for your</p>
<p style="text-align: right;">Page 6</p> <p>1 A. Yes.</p> <p>2 Q. Do you understand that the lawsuit contests 3 whether the district's system of electing its trustees 4 at large improperly dilutes the voting strength of 5 certain minorities in the district?</p> <p>6 A. That the lawsuit --</p> <p>7 Q. That claims that.</p> <p>8 A. Yes. Uh-huh.</p> <p>9 Q. Let me hand you what's been marked as Exhibit 10 No. 1. This is a copy of the deposition notice that 11 was originally issued for this to take place on 12 December the 20th. We, by agreement with the 13 district's lawyer, reset it for today.</p> <p>14 (Marked Porter Exhibit No. 1.)</p> <p>15 Q. (BY MR. ABRAMS) Have you ever seen the 16 notice?</p> <p>17 A. Yes.</p> <p>18 Q. Do you understand that you're appearing today 19 as one of the representatives for the district that's 20 been designated to testify on the district's behalf 21 with regard to certain topics that are listed in the 22 notice?</p> <p>23 A. Yes, I do.</p> <p>24 Q. Who made the decision that you would appear 25 as a representative for the district?</p>	<p style="text-align: right;">Page 8</p> <p>1 deposition?</p> <p>2 A. Our general counsel.</p> <p>3 Q. And beyond what you've described, have you 4 done anything else to prepare?</p> <p>5 A. No.</p> <p>6 Q. What documents did you review in preparation 7 for your deposition?</p> <p>8 A. I reviewed legal -- our Spring Branch ISD's 9 legal policy. I reviewed the election results for the 10 last 10 years. I reviewed information concerning 11 early election sites as well as number of voters and 12 things that happen at them.</p> <p>13 I reviewed the presentation that was 14 provided -- that was given by Thompson Horton back in 15 2020. I didn't actually attend it, but I did review 16 the presentation as it's a public document.</p> <p>17 I also just made sure I was 18 understanding what's happening with our current 19 election calendar to ensure that people were aware for 20 of the critical dates tied to this current year.</p> <p>21 I also looked at financial information 22 because one of the topics is covering -- is asking 23 about some per student costs. So I reviewed that.</p> <p>24 Q. You mentioned a 2020 presentation by 25 Thompson & Horton.</p>

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<p style="text-align: right;">Page 9</p> <p>1 Just for our record, Thompson & Horton 2 is a law firm that has, for a number of years, 3 represented the district, correct? 4 A. Correct. 5 Q. And in 2020, they made a presentation to the 6 board about what that's relevant here? 7 A. They talked about the different types of 8 electoral systems that are legal in the state of Texas 9 for school districts and how if -- if the board of 10 trustees were considering making any changes, what 11 they would need to do in order to make those changes. 12 Q. You also mentioned that you refreshed your 13 recollection about the critical dates for the 2022 14 board elections. 15 What are the critical dates for the 2022 16 board elections as you've defined the term "critical 17 dates"? 18 A. Well, December 20 of 2021 was critical 19 because I had to post on our Web site information 20 about the upcoming election. 21 January 3 is when our office reopens and 22 people can pick up applications for -- to apply -- to 23 complete in order to run for the election. 24 They can start turning in those 25 applications on January 19 and they have until</p>	<p style="text-align: right;">Page 11</p> <p>1 going to make specifically on early election sites. 2 Q. What changes are anticipated on early 3 election sites? 4 A. We're adding an additional site up in the 5 northwest quadrant of the school district. 6 Previously, we actually had relatively low in 7 comparison to the entire election numbers of people 8 voting in the early election. 9 This last year, we actually had over 10 5,000 voters in the early election and feel that 11 another site is warranted to allow for that type of 12 count as well as ensuring that some of the -- some 13 concerns have been raised about whether or not we were 14 ensuring that everybody could get to all of the 15 locations easily enough. And so we have a site now 16 that's on Gessner so it would allow for easy public 17 access. 18 Q. We'll touch on the early election sites that 19 the district historically has used a little later. 20 But is it fair to say that none of those 21 sites were located north of the northeast corner of 22 Hilshire Village? 23 A. Yes, that's correct. 24 Q. So none of the sites were located in the 25 election precinct that corresponds to the Northbrook</p>
<p style="text-align: right;">Page 10</p> <p>1 5:00 p.m. on February 18 in order to turn in those. 2 Within that next week -- I don't have 3 the exact date for that off the top of my head -- 4 they'll do the drawing for the order for the ballot 5 and as well as we have to get information -- we have 6 to tell the State that we are hosting an election. 7 So within about a week of that, we have 8 to let the State know that we're hosting the election. 9 Early elections start the last full week 10 in April with our election date being on April 7 -- 11 excuse me -- May 7. Sorry. 12 Q. Thank you. 13 Who have you met with, other than 14 lawyers for the district, to prepare? 15 A. I have -- I talked with the previous CFO just 16 to make sure I knew where files were like for the 17 previous election results. 18 Q. Who was that person? 19 A. That person is Karen Wilson. 20 I also talked -- we have a technology -- 21 a person in technology who helps run the actual 22 equipment and so making sure, you know, my 23 understanding of what equipment is needed and that 24 type of thing, mainly in preparation for this next 25 election and then in response to some changes we're</p>	<p style="text-align: right;">Page 12</p> <p>1 election precinct, correct? 2 A. Correct. 3 Q. None of the sites were located within the 4 precinct that corresponds to the Landrum precinct, 5 correct? 6 A. Correct. 7 Q. None of the sites were located in the 8 precinct that corresponds to the Spring Woods election 9 precinct? 10 A. I'm not for sure on their boundaries, but I 11 don't believe that's true. 12 Q. You don't believe it's true or you do believe 13 it's true? 14 A. I mean, I believe that's -- I believe it's a 15 true statement that it is not in the Spring Woods High 16 School. I just don't know how far Spring Woods High 17 School... 18 Q. Okay. And is the same thing true with 19 respect to the Spring Oaks election precinct, that 20 there were no early voting sites located within the 21 Spring Oaks election precinct? 22 A. Correct. 23 Q. The only sites historically that Spring 24 Branch ISD has had for early voting in the recent past 25 and going back as far as I could see were located</p>

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<p style="text-align: right;">Page 13</p> <p>1 within the Memorial Spring Branch and Spring Forest 2 election precincts, correct? 3 A. That's correct. 4 Q. Which of the lawyers for the district have 5 you met with in connection with preparation? 6 A. I've met with -- oh, in preparation for the 7 deposition? 8 Q. Yes, ma'am. 9 A. Charles and Lucas and Audrey. 10 Q. When did you meet with them? 11 A. Yesterday as well as we had a conference call 12 last week. And I met with Audrey in a -- probably a 13 few different times, I mean, you know, in the week 14 leading up to Christmas break. 15 Q. All told, how much time have you devoted to 16 preparing to testify about the topics listed that 17 correspond to your testimony in the case? 18 A. I would say about 20 hours. 19 Q. To make this go as easily as possible, I 20 would like to have several agreements with you. And 21 it's important that you understand the proceedings. 22 The lady who is seated to your left is 23 called a court reporter. She is typing down word for 24 word my questions and your answers. And my questions 25 and your answers will be typed up in a booklet called</p>	<p style="text-align: right;">Page 15</p> <p>1 of letting me finish my question before you start an 2 answer, our record will be more complete and our court 3 reporter will be much happier with us. 4 Can you do that? 5 A. Yes. 6 Q. It's also very important that you understand 7 the questions that you're asked today because the 8 parties have a right to rely upon your testimony. 9 And so I want you to tell me if I ask 10 you a question that I -- that you do not understand. 11 And I will promise you I will try to rephrase it in a 12 way that you do understand it. 13 So will you tell me if you think you 14 don't understand a question? 15 A. Yes, I will. 16 Q. And may I fairly assume when you've answered 17 my questions that you understood them at the time? 18 A. Yes. 19 Q. We'll probably break at least once an hour. 20 But in any event, if you need a make at some other 21 time, if you'll simply let me know, I'll be happy to 22 accommodate you. Okay? 23 A. Okay. 24 Q. We've already talked about the fact I'm going 25 to use the shorthand expression "lawsuit" to refer to</p>
<p style="text-align: right;">Page 14</p> <p>1 a transcript and that testimony can be used in the 2 lawsuit. 3 Do you understand that? 4 A. Yes. 5 Q. You've been doing a great job thus far, but 6 it's important that you continue to answer out loud 7 rather than relying on gestures such as nods of the 8 head or sounds like uh-huh or huh-uh, because those 9 are not things that can be easily taken down by the 10 court reporter. 11 So will you continue to testify using 12 words and out loud? 13 A. Yes. 14 Q. As our court reporter mentioned before we 15 went on the record, it's very important that you and I 16 try to not talk over each other, that is, that we 17 speak one at a time, because it's very difficult for 18 the court reporter to untangle people talking over 19 each other. 20 I promise you I will try very hard not 21 to cut you off when you're answering a question. If I 22 do inadvertently, you just tell me and I'll stop. 23 By the same token, I sometimes take a 24 while to get a question out. So even if you think you 25 know where I'm going, if you'll give me the courtesy</p>	<p style="text-align: right;">Page 16</p> <p>1 the legal proceeding. 2 I don't know that we'll refer very often 3 to the plaintiff, Virginia Elizondo. But if so, if I 4 refer to "the plaintiff" or "Ms. Elizondo," will you 5 know who I'm talking about? 6 A. Uh-huh. Yes. 7 Q. I will variously refer to the Spring Branch 8 Independent School District as "the district" or 9 "SBISD," and we'll know what we we're talking about, 10 your employer? 11 A. Yes. Yes. 12 Q. Similarly, from time to time there will be 13 questions about the Spring Branch Independent School 14 District board of trustees. I'll probably shorthand 15 that to refer to simply "the board." 16 If I refer to "the board," will you know 17 that I'm talking about the board of trustees? 18 A. Yes. 19 Q. I'm going to spend a moment or two just on 20 your personal background. 21 Where do you reside? 22 A. I reside at -- in Spring Branch ISD at 1507 23 Shady Villa Manor, Houston, Texas 77055. 24 Q. How long have you been a district resident? 25 A. Five months.</p>

4 (Pages 13 to 16)

Page 17

1 **Q. Where did you live before that?**

2 A. I lived up in Spring for 21 years.

3 **Q. Where were you born and raised?**

4 A. I'm a military brat. I was born in
5 California. My dad was stationed out there. Mainly
6 grew up, though, on the East Coast in Virginia, North
7 Carolina, and South Carolina.

8 Graduated high school in 1986, and then
9 we all moved to Texas. Dad retired and went to SMU
10 and became -- got his master's of divinity and became
11 a Methodist minister in the Central Conference.

12 So we're all in Texas now, but I would
13 say pretty much I grew up on the East Coast.

14 **Q. You mentioned that you graduated from high
15 school in 1986.**

16 **What high school was that?**

17 A. Buford Academy in Buford, South Carolina.

18 **Q. After high school, did you then go on to
19 college?**

20 A. I did. I went to Texas A&M University in
21 College Station, Texas. Graduated in 1990 with a
22 degree in accounting.

23 **Q. Could you give me a horseback view of your
24 employment experience after graduating from A&M?**

25 A. Sure. I started off as an internal auditor

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1 at First Bank of Texas. After doing that for about a
2 year and a half. As they got taken over by the Feds
3 by the second time, I realized it was probably time to
4 move on.

5 I actually responded to -- you know,
6 back then, you can used to look at newspaper articles,
7 you know, the classifieds and circled.

8 So I responded to a job application at
9 955 Campbell Road, not really knowing what I was
10 applying for.

11 And it was Spring Branch ISD. So I
12 started here -- I'll call myself a baby accountant.
13 And I was here for 5 years.

14 When I left, I was the budget manager.
15 I went to Tomball ISD. Was the business manager there
16 for 3 years.

17 And then went to Spring ISD. Started
18 off as the controller. And when I left there, I was
19 the CFO. And then came back to Spring Branch. After
20 a little break came back to Spring Branch and was the
21 payroll manager, the tax assessor, and then the CFO a
22 year and a half ago.

23 **Q. Did any of the school districts you worked
24 for, before you came back to Spring Branch, elect any
25 of their trustees from single-member districts?**

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1 A. No.

2 **Q. Do you have any personal experience working
3 for school districts where trustees have been elected
4 from single-member districts?**

5 A. No, I do not.

6 **Q. Have you ever personally been a party to a
7 lawsuit, that is, sued somebody or been sued?**

8 A. No.

9 **Q. You understand you're not a party to this
10 lawsuit?**

11 A. Yeah, I do.

12 **Q. You're here merely as a witness and you're
13 here merely as a witness on behalf of the district.**

14 A. I do.

15 **Q. Okay.**

16 A. I do.

17 **Q. Have you ever been through this process of
18 being deposed before?**

19 A. No.

20 **Q. Have you ever gone through the process of
21 testifying in some other setting before?**

22 A. Yes.

23 **Q. If you would, tell me about that prior
24 testifying experience.**

25 A. It was a -- a friend of mine had been accused

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1 of an improper relationship with a student, and so I
2 was a character witness on his behalf.

3 **Q. Are there any other occasions where you have
4 testified other than that one instance?**

5 A. No.

6 **Q. Do you have any professional licenses or
7 certifications?**

8 A. I do. I have a certified public accountancy
9 certificate.

10 **Q. From the State of Texas?**

11 A. From the State of Texas, yes.

12 **Q. And when -- when did you obtain your
13 certification?**

14 A. 1992 or '3.

15 **Q. Have you ever been charged and convicted of
16 any criminal offense?**

17 A. No.

18 **Q. Are you familiar with Ms. Elizondo?**

19 A. Yes.

20 **Q. How?**

21 A. She led a committee that I was a part of
22 during the -- let me get my years straight -- the
23 '20-'21 year, the visioning committee that focused on
24 what a Spring Branch ISD graduate would look like, and
25 not just an official graduate but as they move between

5 (Pages 17 to 20)

<p style="text-align: right;">Page 21</p> <p>1 elementary to middle and middle to high school.</p> <p>2 I also -- she also ran for the school</p> <p>3 board in 2021.</p> <p>4 Q. Are you familiar with her educational</p> <p>5 background?</p> <p>6 A. I believe she has lots of educational</p> <p>7 background. I remember being familiar and have -- you</p> <p>8 know, seeing that on the application. I believe she</p> <p>9 has at least a master's, if I'm remembering correctly.</p> <p>10 Q. And if I understood your prior testimony,</p> <p>11 you're familiar with at least some of her involvement</p> <p>12 in district activities because she headed a committee</p> <p>13 that you participated in?</p> <p>14 A. Yes.</p> <p>15 Q. Do you recall the title of the committee or</p> <p>16 whatever the topic was?</p> <p>17 A. I thought it was the visioning committee.</p> <p>18 Q. Does the district agree that Ms. Elizondo met</p> <p>19 all the legal requirements to be eligible for election</p> <p>20 to the district board when she ran?</p> <p>21 A. Yes.</p> <p>22 Q. Let's now turn to some of the issues in the</p> <p>23 lawsuit for which you've been designated as a</p> <p>24 representative.</p> <p>25 Has the racial and ethnic composition of</p>	<p style="text-align: right;">Page 23</p> <p>1 Q. All right. I mean, I can do it either way.</p> <p>2 A. No, it's fine.</p> <p>3 Q. Do you -- does the district agree that in the</p> <p>4 past 20 years the racial and ethnic composition of the</p> <p>5 population in the district has changed significantly?</p> <p>6 A. Yes.</p> <p>7 Q. Does the district agree that what was once a</p> <p>8 district in which a majority of the voters and</p> <p>9 students were white is a now a district where the</p> <p>10 Hispanic population is greater than the white</p> <p>11 population and the percentage of Hispanic students</p> <p>12 more than twice the percentage of white students?</p> <p>13 A. Yes.</p> <p>14 Q. Does the district agree that it is now a</p> <p>15 majority minority district in terms of the total</p> <p>16 population in student population?</p> <p>17 A. I can attest to the student population as</p> <p>18 yes.</p> <p>19 Q. With respect to the total population, does</p> <p>20 the district agree that the total population of the</p> <p>21 district is now majority minority?</p> <p>22 A. I just haven't seen numbers to that to know</p> <p>23 that for sure. I haven't seen recent census numbers,</p> <p>24 but I know we -- we believe that and act in that</p> <p>25 manner.</p>
<p style="text-align: right;">Page 22</p> <p>1 the voters in the district changed over time?</p> <p>2 A. Yes.</p> <p>3 Q. How has it changed?</p> <p>4 A. I believe, without knowing exact numbers,</p> <p>5 that the -- we've become a much more diverse school</p> <p>6 district, and the population of the school district is</p> <p>7 reflecting -- is reflected in that. The minority</p> <p>8 groups are larger than they've been, you know,</p> <p>9 30 years ago.</p> <p>10 Q. Do you agree that when the district was</p> <p>11 formed and for a number of years its population was</p> <p>12 virtually all white?</p> <p>13 A. Yes.</p> <p>14 Q. And do you agree that in the -- let me back</p> <p>15 up and say when I use the term "you," you're here in a</p> <p>16 representative capacity. So we're going to be talking</p> <p>17 about the district.</p> <p>18 A. Right.</p> <p>19 Q. It will be a little less cumbersome if I can</p> <p>20 still refer to you knowing you're speaking for the</p> <p>21 district than always saying does the district agree.</p> <p>22 A. Okay.</p> <p>23 Q. Are you okay with that convention?</p> <p>24 A. Yes, as long as my response looks like I'm</p> <p>25 responding on behalf of the district.</p>	<p style="text-align: right;">Page 24</p> <p>1 Q. The district's position is without regard to</p> <p>2 the specifics, it acknowledges its belief that it is a</p> <p>3 majority minority district in terms of total</p> <p>4 population at this point in time?</p> <p>5 A. Yes.</p> <p>6 Q. Let me hand you what's been marked as</p> <p>7 Exhibit 2. This is a screenshot from the district's</p> <p>8 Web site.</p> <p>9 (Marked Porter Exhibit No. 2.)</p> <p>10 Q. (BY MR. ABRAMS) Are you familiar with --</p> <p>11 A. Yes.</p> <p>12 Q. -- this page from the district's Web site?</p> <p>13 A. (Nodding head.)</p> <p>14 Q. The district's Web site purports to break</p> <p>15 down the demographics of its students. And is it the</p> <p>16 district's position that the little graph on the</p> <p>17 right-hand side properly describes the racial and</p> <p>18 ethnic composition of its student body --</p> <p>19 A. Yes.</p> <p>20 Q. -- as of 2021?</p> <p>21 A. Yes.</p> <p>22 Q. Exhibit 2 shows that 59 percent of the</p> <p>23 district's students are Hispanic, 27 percent of its</p> <p>24 students are white, 7 percent of its students are</p> <p>25 Asian, and 5 percent of its students are</p>

6 (Pages 21 to 24)

<p style="text-align: right;">Page 25</p> <p>1 African-American, correct?</p> <p>2 A. Correct.</p> <p>3 Q. Exhibit 2 also reflects that 58 percent of</p> <p>4 the district students are economically disadvantaged.</p> <p>5 Is that correct?</p> <p>6 A. Correct.</p> <p>7 Q. What does that term mean in the way that the</p> <p>8 district uses it on its Web site?</p> <p>9 A. It means that 58 percent of the students have</p> <p>10 completed information concerning free and reduced</p> <p>11 lunch applications and have been found to be -- to be</p> <p>12 eligible for free or reduced meals through our lunch</p> <p>13 program.</p> <p>14 Q. As a general proposition, what is the</p> <p>15 standard financially that a some -- that a student</p> <p>16 needs to meet to be eligible for the free and reduced</p> <p>17 lunch program which qualifies it as an economically</p> <p>18 disadvantaged student?</p> <p>19 A. You mean what's the level of income in the</p> <p>20 family?</p> <p>21 Q. Yes, ma'am.</p> <p>22 A. I don't have that -- I don't know that number</p> <p>23 off the top of my head.</p> <p>24 Q. I noticed that the infographic, Exhibit 2,</p> <p>25 says that 59 percent of the students are Hispanic and</p>	<p style="text-align: right;">Page 27</p> <p>1 A. Yes.</p> <p>2 Q. How has it changed?</p> <p>3 A. I believe the percentage used to be less than</p> <p>4 50 percent and now it is over 50 percent.</p> <p>5 Q. What percentage?</p> <p>6 A. The percentage of economically disadvantaged</p> <p>7 students.</p> <p>8 Q. What proportion of the students in the</p> <p>9 district now attend what are called Title I schools?</p> <p>10 A. I wish I would know that percentage off the</p> <p>11 top of my head. I would have to compare two different</p> <p>12 lists, a list of students by campus and highlight the</p> <p>13 Title I campuses.</p> <p>14 Q. What's your best estimate -- what's the</p> <p>15 district's best estimate realizing that's subject to</p> <p>16 mathematical verification?</p> <p>17 A. I would say at least 50 percent.</p> <p>18 Q. What is Title I?</p> <p>19 A. Title I is the short-term version of monies</p> <p>20 we receive directly from -- or through -- through the</p> <p>21 State of Texas, but from the federal government that</p> <p>22 are based on the number of students at campuses that</p> <p>23 are considered economically disadvantaged.</p> <p>24 And so it's supplemental dollars we</p> <p>25 receive that gets -- that is provided to campuses to</p>
<p style="text-align: right;">Page 26</p> <p>1 58 percent of the total student body are economically</p> <p>2 disadvantaged.</p> <p>3 Does the district know what the</p> <p>4 correlation is between the race and ethnicity of the</p> <p>5 economically disadvantaged students in that status?</p> <p>6 A. That information can be pulled. I don't know</p> <p>7 that.</p> <p>8 Q. Does the district acknowledge that a greater</p> <p>9 proportion of its minority students are economically</p> <p>10 disadvantaged than its white students?</p> <p>11 A. I -- I believe that's a trend that can be</p> <p>12 deduced from the two graphs.</p> <p>13 Q. I'm not clear about your answer.</p> <p>14 Are you telling me that's something that</p> <p>15 one could determine or that you think that that is the</p> <p>16 case based upon the information available to you?</p> <p>17 A. I think based on seeing these percentages,</p> <p>18 that's a fair assumption, but I would want to verify</p> <p>19 that data.</p> <p>20 Q. We talked earlier about how the demographics</p> <p>21 of the district changed over time.</p> <p>22 I want to now ask you: Do you -- does</p> <p>23 the district agree that in the past 20 years the</p> <p>24 socioeconomic background of the district's residents</p> <p>25 and students has likewise changed?</p>	<p style="text-align: right;">Page 28</p> <p>1 spend at their discretion to focus on the needs of</p> <p>2 their campuses.</p> <p>3 Q. If I'm following you, then, Title I funds are</p> <p>4 federal funds that are allocated through the State</p> <p>5 then to the district and then to individual campuses.</p> <p>6 Is that a correct generalization?</p> <p>7 A. It's more of a passthrough --</p> <p>8 Q. Okay.</p> <p>9 A. -- of the state.</p> <p>10 They don't really allocate it. The</p> <p>11 federal government determines that a school district</p> <p>12 gets X amount based on their number of students.</p> <p>13 Q. Does the district agree that all of the</p> <p>14 current members of its board are white or -- or</p> <p>15 Caucasian?</p> <p>16 A. Yes.</p> <p>17 Q. Does the district agree that it has no record</p> <p>18 that any minority candidate has ever been elected to</p> <p>19 serve on the Spring Branch Independent School District</p> <p>20 board?</p> <p>21 A. Yes.</p> <p>22 Q. What investigation or search of district</p> <p>23 records has been done to confirm that fact?</p> <p>24 A. I looked at the election results. So I could</p> <p>25 only base it on surnames, I mean, some recent</p>

<p style="text-align: right;">Page 29</p> <p>1 surnames, obviously Chris Gonzalez, if you saw that, 2 and didn't know otherwise.</p> <p>3 But no other surnames indicated such.</p> <p>4 While I didn't personally do it, I understand that a 5 review of pictures of the board has been done and 6 based on those review and on the pictures that could 7 be found, nobody of it -- nobody of color has been 8 elected.</p> <p>9 Q. Does the district agree that in every trustee 10 election for the past 10 years the candidate elected 11 was white?</p> <p>12 A. Yes.</p> <p>13 Q. And as we confirmed a moment ago, a hundred 14 percent of the current board members are white?</p> <p>15 A. Yes.</p> <p>16 Q. Does the district agree that no Hispanic or 17 other minority candidate has been elected to the board 18 in the past 10 years even though the percentage of 19 both the minority student and adult populations is 20 greater than the percentage of white population and 21 students in the district?</p> <p>22 A. Yes.</p> <p>23 Q. Does the district agree that every minority 24 candidate for the board during the period from 2010 to 25 2021 was defeated by a white candidate?</p>	<p style="text-align: right;">Page 31</p> <p>1 statistically significant evidence of racially or 2 ethnically polarized voting in the district's board 3 elections for the period 2015 to 2021?</p> <p>4 A. Can you define "racial polarization"?</p> <p>5 Q. Yes.</p> <p>6 By the term "racially polarized," I mean 7 that there's a consistent relationship between the 8 race or ethnicity of the voter and the way the voter 9 votes and that white and minority voters vote 10 differently.</p> <p>11 A. That is not data we obtain on our voters, so 12 I would expect that an expert might be able to get 13 that data.</p> <p>14 Q. In the lawsuit, the district filed an answer. 15 Do you understand that's part of the 16 procedure?</p> <p>17 A. Yes.</p> <p>18 Q. And in that answer, the district took the 19 position that as a matter of fact there is no such 20 evidence of racially polarized voting.</p> <p>21 What investigation had the district 22 conducted before filing an answer in the lawsuit 23 denying that there's racially polarized voting in the 24 district's board elections for the past 6 years?</p> <p>25 A. The district itself didn't do any actual</p>
<p style="text-align: right;">Page 30</p> <p>1 A. Yes. 2 (Marked Porter Exhibit No. 3.)</p> <p>3 Q. (BY MR. ABRAMS) Let me hand you what's been 4 marked as Exhibit 3. This is a document the district 5 has produced titled "2010 to 2021 List/Names of All 6 Candidates," correct?</p> <p>7 A. Correct.</p> <p>8 Q. Does the district acknowledge that in 2015 9 Virginia Elizondo was a minority candidate for the 10 board?</p> <p>11 A. Yes.</p> <p>12 Q. And in 2018, Noel Lezama was a minority 13 candidate for the board?</p> <p>14 A. Yes.</p> <p>15 Q. And in 2019, David Lopez was a minority 16 candidate for the board?</p> <p>17 A. Yes.</p> <p>18 Q. And, again, in 2021, Virginia Elizondo was a 19 minority candidate for the board?</p> <p>20 A. Yes.</p> <p>21 Q. And in each of the elections in which they 22 ran, the white candidate defeated the minority 23 candidate, correct?</p> <p>24 A. Yes.</p> <p>25 Q. Does the district agree that there is</p>	<p style="text-align: right;">Page 32</p> <p>1 investigation of it. Again, because we don't track, 2 we don't obtain that data of the race or ethnicity of 3 the actual voters, that information would have come 4 through discussion with the experts.</p> <p>5 Q. Before the district filed a document with the 6 federal court denying that there is racially or 7 ethnically polarized voting in its board 8 investigations, what investigation had the district 9 conducted to corroborate that position?</p> <p>10 A. None.</p> <p>11 Q. Has the district ever investigated or does it 12 have any knowledge about whether or not racially or 13 ethnically polarized voting exists in the elections of 14 the municipal governments that make up the district?</p> <p>15 A. We're not aware of any.</p> <p>16 Q. Are you telling me you're not aware of any 17 investigation the district has ever undertaken to 18 determine whether or not the voting in the cities that 19 make up the district, which are Hunters Creek Village, 20 Piney Point Village, Bunker Hill Village, Spring 21 Valley Village, Hilshire Village, and the City of 22 Houston, involve racially polarized voting?</p> <p>23 A. We don't know anything about the data that's 24 been happening in those sites.</p> <p>25 Q. And the district has not conducted any</p>

8 (Pages 29 to 32)

<p style="text-align: right;">Page 33</p> <p>1 investigation to determine whether or not the voting</p> <p>2 in any of those jurisdictions is racially polarized or</p> <p>3 ethnically polarized, correct?</p> <p>4 A. Correct.</p> <p>5 Q. Given that the district had not conducted any</p> <p>6 investigation about whether or not the voting in its</p> <p>7 trustee elections was racially or ethnically polarized</p> <p>8 when it denied that fact in the federal lawsuit, what</p> <p>9 was the basis for making such a denial?</p> <p>10 A. We did not have evidence to the contrary. We</p> <p>11 had investigated it, but we had no evidence.</p> <p>12 Q. Does the district agree that white</p> <p>13 non-Hispanics in the district vote sufficiently as a</p> <p>14 block to enable them to defeat minority voters'</p> <p>15 preferred candidates of choice in the various trustee</p> <p>16 elections?</p> <p>17 A. I believe that's something that an expert can</p> <p>18 look at the data. And the district has never looked</p> <p>19 at the voting population by race to be able to make</p> <p>20 that deduction ourselves.</p> <p>21 Q. So does the district agree that when it filed</p> <p>22 a document in the federal lawsuit denying that white</p> <p>23 non-Hispanics in the district vote sufficiently as a</p> <p>24 block to enable them to defeat minority voters'</p> <p>25 preferred candidates, it had no evidence to support</p>	<p style="text-align: right;">Page 35</p> <p>1 districts could be drawn in which a majority of the</p> <p>2 voting age population would be Hispanic?</p> <p>3 A. That was based on some meetings we had with</p> <p>4 legal counsel at the time.</p> <p>5 Q. Does the district possess any written</p> <p>6 investigation or report confirming that the geographic</p> <p>7 concentration of Hispanics in the district is</p> <p>8 sufficient to constitute a majority of the voting age</p> <p>9 population in as many as three single-membered</p> <p>10 districts if a seven-member plan were adopted?</p> <p>11 A. We don't maintain documents. Those were</p> <p>12 mainly talked about during discussions with our legal</p> <p>13 counsel.</p> <p>14 Q. Setting aside communications with legal</p> <p>15 counsel, which I presume and understand the district</p> <p>16 will assert privilege over, are you aware of any other</p> <p>17 sources of information confirming that as many as</p> <p>18 three single-membered districts could be drawn in</p> <p>19 Spring Branch in which the concentration of voting age</p> <p>20 Hispanics would be a majority?</p> <p>21 A. No.</p> <p>22 Q. Does the district agree that single-member</p> <p>23 district forms of representation can enhance the</p> <p>24 proportional representation of minority candidates?</p> <p>25 A. The district understands that it is within --</p>
<p style="text-align: right;">Page 34</p> <p>1 that denial?</p> <p>2 A. Or evidence against that denial, but correct.</p> <p>3 Q. And before making that denial in the federal</p> <p>4 lawsuit, the district did not undertake an</p> <p>5 investigation to determine whether or not the</p> <p>6 statement was true, correct?</p> <p>7 A. Correct.</p> <p>8 Q. Does the district agree that the geographic</p> <p>9 concentration of Hispanics in the district is large</p> <p>10 enough to constitute a majority of the voting age</p> <p>11 population in one or more single-member districts if</p> <p>12 there was a seven-member election plan adopted or</p> <p>13 ordered by the court?</p> <p>14 A. It's our understanding that that can happen,</p> <p>15 that -- that they can make those single-member</p> <p>16 districts.</p> <p>17 Q. What is the district's position about the</p> <p>18 number of single-membered districts that could be</p> <p>19 formed in which the geographic concentration of</p> <p>20 Hispanics would constitute a majority of the voting</p> <p>21 age population?</p> <p>22 A. I've heard that three, up to three could be</p> <p>23 established.</p> <p>24 Q. Who has provided the factual information to</p> <p>25 the district that as many as three single-membered</p>	<p style="text-align: right;">Page 36</p> <p>1 it is legal within the electoral system to use that</p> <p>2 and it does provide an opportunity for participation</p> <p>3 in some areas of the district that have lower</p> <p>4 participation.</p> <p>5 Q. Isn't the district's position that adoption</p> <p>6 of a single-member district form of representation can</p> <p>7 result in enhanced representation of the minority</p> <p>8 community on its board?</p> <p>9 A. The board believes they represent the entire</p> <p>10 district already, so it would be more a focus on</p> <p>11 ensuring that they have participation from the areas</p> <p>12 of those school districts, the area of the school</p> <p>13 district.</p> <p>14 MR. ABRAMS: Object to the answer as</p> <p>15 nonresponsive.</p> <p>16 Q. (BY MR. ABRAMS) My question is whether or not</p> <p>17 the district has a position on whether single member</p> <p>18 district forms of representation can have the effect</p> <p>19 of enhancing the representation of minority candidates</p> <p>20 on the district's board?</p> <p>21 MR. CRAWFORD: Objection; form.</p> <p>22 A. I have not heard the board discuss anything</p> <p>23 like that.</p> <p>24 Q. (BY MR. ABRAMS) So as we sit here today, is</p> <p>25 it fair to say the district has no position on whether</p>

<p style="text-align: right;">Page 37</p> <p>1 single-membered district forms of representation can, 2 in fact, enhance proportional representation of 3 minority candidates on the board? 4 MR. CRAWFORD: Objection; form. 5 A. They stand that they represent the entire 6 district as it is. I know that's not answering your 7 question. 8 Q. (BY MR. ABRAMS) Has the district investigated 9 whether or not single-membered district forms of 10 representation can enhance proportional representation 11 of minority individuals on the board? 12 A. To the extent that that is a legal way to 13 hold your electoral system, that investigation -- or 14 requests for information from legal counsel has 15 happened, which led to that presentation in January of 16 2020. 17 Q. In connection with the lawsuit and the 18 district's answer that it filed in the lawsuit and 19 prior to filing that answer, had the district 20 investigated whether adopting a single member form of 21 representation could enhance the representation of 22 minority residents on the board? 23 A. I'm not aware of any. 24 Q. Does the district agree that single-membered 25 district representation can increase the likelihood</p>	<p style="text-align: right;">Page 39</p> <p>1 Memorial Villages are substantially different than the 2 racial and ethnic composition of the areas outside the 3 villages located north of Interstate Highway 10? 4 A. Yes. 5 Q. I'm going to probably refer to Interstate 6 Highway 10 as "I-10" or the "Katy Freeway." 7 If I use those expressions, will you 8 know what I'm talking about? 9 A. Yes. 10 Q. Probably I-10 is the more current version. I 11 group up in an era where it was the Katy Freeway. But 12 you know -- either use you'll know what I'm talking 13 about? 14 A. Yes. 15 Q. Okay. 16 (Marked Porter Exhibit No. 4.) 17 Q. (BY MR. ABRAMS) Let me hand you what's been 18 marked as Exhibit 4. 19 Do you recognize that as a map depicting the 20 boundaries of what I call the so-called Memorial 21 Villages, which encompasses Bunker Hill Village, Piney 22 Point Village, Hunters Creek Village, Hedwig Village, 23 Spring Valley Village, and Hilshire Village? 24 A. Yes. 25 Q. And I'm not holding you to the standards of a</p>
<p style="text-align: right;">Page 38</p> <p>1 that minority candidates will run for office on the 2 board? 3 A. It can increase the likelihood that they will 4 run for the board. 5 Q. Does the district agree that the 6 single-member district representation can produce 7 policies that are more responsive to the preferences 8 of minority voters than at-large systems do? 9 MR. CRAWFORD: Objection; form. 10 A. I know the board feels that they represent 11 the entire district. 12 MR. ABRAMS: Objection to the answer as 13 nonresponsive. 14 Q. (BY MR. ABRAMS) My question does not concern 15 the district's current plan. My question concerns 16 whether the district has a position on the issue of 17 single-member representation producing policies that 18 are even more responsive to the preferences of 19 minority voters than is the case under the current 20 at-large system. 21 Does the district have a position on that? 22 MR. CRAWFORD: Objection; form. 23 A. No, we don't have a position on that. 24 Q. (BY MR. ABRAMS) Does the district agree that 25 the racial and ethnic demographics in the so-called</p>	<p style="text-align: right;">Page 40</p> <p>1 demographer, but do the boundaries appear to be -- 2 correspond for what you understand and the district 3 understands the boundaries of those villages are? 4 A. Yes. 5 Q. Does the district acknowledge that the 6 non-Hispanic white populations in the Memorial 7 Villages range from 94 plus percent to 67 percent of 8 those populations? 9 A. Can you repeat that question? 10 Q. Yes, ma'am. 11 Does the district acknowledge that the 12 non-Hispanic white populations of the Memorial 13 Villages vary from 94 plus percent to 67 percent of 14 the total populations in those communities? 15 A. Yes. 16 Q. Does the district acknowledge that the 17 villages report very small Hispanic and black 18 populations? 19 A. Yes. 20 Q. Does the district acknowledge that the racial 21 and ethnic segregation in the villages corresponds to 22 the racial and ethnic segregation evident in the 23 student populations on the north and south sides of 24 the freeway? 25 MR. CRAWFORD: Objection; form.</p>

10 (Pages 37 to 40)

<p style="text-align: right;">Page 41</p> <p>1 A. I'm not sure about the word "segregation" and</p> <p>2 the connotation with that.</p> <p>3 Q. (BY MR. ABRAMS) Let me -- let me rephrase the</p> <p>4 question.</p> <p>5 Does the district acknowledge that the racial</p> <p>6 and ethnic demographics in the villages correspond to</p> <p>7 the racial and ethnic demographics evident in the</p> <p>8 student populations in the district's north and</p> <p>9 south-side schools?</p> <p>10 A. I'm going to try to reword the question.</p> <p>11 Q. Yes, ma'am.</p> <p>12 A. Tell me if I'm correct.</p> <p>13 Q. Yes, ma'am.</p> <p>14 A. You're asking if the racial breakdown of the</p> <p>15 villages represents the entire school district?</p> <p>16 Q. No, ma'am.</p> <p>17 A. I'm sorry.</p> <p>18 Q. Let me -- let me take another crack at it.</p> <p>19 A. I'm sorry.</p> <p>20 Q. I think we're in agreement, and the district</p> <p>21 acknowledges, that the population of the Memorial</p> <p>22 Villages is largely white and nonminority, correct?</p> <p>23 A. Correct.</p> <p>24 Q. It is also the case, isn't it -- isn't it</p> <p>25 that the populations of the schools on the south side</p>	<p style="text-align: right;">Page 43</p> <p>1 south-side schools are largely white and many, if not</p> <p>2 all of the north-side schools are largely minority,</p> <p>3 how that demographic breakdown affects the delivery of</p> <p>4 educational services to the students?</p> <p>5 A. We focus more -- not based on racial. We</p> <p>6 focus more on economically disadvantaged and the needs</p> <p>7 of specific students versus just whether or not</p> <p>8 there's Hispanics in a campus or not.</p> <p>9 Economically disadvantaged often brings</p> <p>10 other opportunities for need for certain services,</p> <p>11 additional services, and supports. So that would be</p> <p>12 more the focus on the educational delivery.</p> <p>13 Q. If I'm following you, then, the district has</p> <p>14 had a focus on the impact of socioeconomic factors on</p> <p>15 the delivery of educational services to its students</p> <p>16 rather than the impact of the racial and ethnic</p> <p>17 demographics of the district.</p> <p>18 Is that what you're saying?</p> <p>19 A. We've seen the effect of that. When you say</p> <p>20 "investigation," we haven't -- I don't know the</p> <p>21 right -- I apologize -- into why that is, we just</p> <p>22 recognize that the students often need additional</p> <p>23 services and support when they're lower socioeconomic.</p> <p>24 Q. We're coming up on an hour. Would you like a</p> <p>25 break or you want to keep trucking? I'm at your</p>
<p style="text-align: right;">Page 42</p> <p>1 of I-10 are largely white and not minority?</p> <p>2 A. I believe that to be accurate, but I would</p> <p>3 want to see the data to verify that.</p> <p>4 Q. While the district has maintained its current</p> <p>5 at-large system for electing school board trustees,</p> <p>6 has it ever investigated why residential demographics</p> <p>7 of the Memorial Villages are what they are?</p> <p>8 A. No.</p> <p>9 Q. Has the district ever investigated how the</p> <p>10 racial and ethnic demographics came about in the</p> <p>11 district as evidenced by the demographics of the</p> <p>12 Memorial Villages?</p> <p>13 A. No.</p> <p>14 Q. Has the district ever investigated how the</p> <p>15 racial and ethnic demographics on the north side of</p> <p>16 I-10 have come about over time?</p> <p>17 A. No.</p> <p>18 Q. Has the district ever investigated whether</p> <p>19 the racial and ethnic demographics in the district has</p> <p>20 negatively affected the delivery of educational</p> <p>21 services to its students?</p> <p>22 A. Can -- will you repeat that?</p> <p>23 Q. Sure. Has the district ever investigated</p> <p>24 whether the racial and ethnic demographics in the</p> <p>25 district, which I'll oversimplify to mean the</p>	<p style="text-align: right;">Page 44</p> <p>1 disposal. I told you we would break around every hour</p> <p>2 and it looks like we're close to an hour. So if you</p> <p>3 would like to take a short break, we can. If you</p> <p>4 don't, we'll keep trucking.</p> <p>5 A. Let's take a short break. That would be</p> <p>6 great.</p> <p>7 Q. Very good.</p> <p>8 A. Thanks.</p> <p>9 Q. Uh-huh.</p> <p>10 (Break from 10:24 a.m. to 10:32 a.m.)</p> <p>11 Q. (BY MR. ABRAMS) Ms. Porter, the ethnic and</p> <p>12 racial makeup of the students in the District 7</p> <p>13 election precincts is heavily segregated, right?</p> <p>14 A. Heavily diverse? I just -- I apologize.</p> <p>15 Q. The racial and ethnic composition is</p> <p>16 concentrated and varies among the districts?</p> <p>17 A. Correct.</p> <p>18 Q. Let me hand you what's been marked as</p> <p>19 Exhibit 5. That was produced by the district as SBISD</p> <p>20 No. 1.</p> <p>21 (Marked Porter Exhibit No. 5.)</p> <p>22 Q. (BY MR. ABRAMS) Do you recognize that as a</p> <p>23 map from the district's Web site that depicts both the</p> <p>24 attendant zones for the middle schools in the district</p> <p>25 and because those attendant zones are used as the</p>

11 (Pages 41 to 44)

<p style="text-align: right;">Page 45</p> <p>1 election precincts -- the election precincts for the</p> <p>2 district?</p> <p>3 A. Yes.</p> <p>4 Q. Does the district agree that four of the</p> <p>5 seven districts shown, namely the Landrum, Northbrook,</p> <p>6 Spring Woods, and Spring Oaks Middle School areas and</p> <p>7 precincts, are overwhelmingly comprised of Hispanic</p> <p>8 students?</p> <p>9 A. Yes.</p> <p>10 Q. Based on my math, there's an average of</p> <p>11 87 percent of the students in those election precincts</p> <p>12 and enrollment districts are Hispanic.</p> <p>13 Does that figure sound about right?</p> <p>14 A. Yes, that sounds about right.</p> <p>15 Q. In the remaining three election or enrollment</p> <p>16 districts, the Memorial, Spring Branch, and Spring</p> <p>17 Forest precincts, the student body is somewhere</p> <p>18 between 42 percent and 52 percent white, correct?</p> <p>19 A. That sounds correct.</p> <p>20 Q. One of the topics that you've been designated</p> <p>21 to testify about is the current ethnic and racial</p> <p>22 background of the citizenship voting age population</p> <p>23 voters in the district.</p> <p>24 Do you agree that the ethnic and racial</p> <p>25 background of the voting age population of the voters</p>	<p style="text-align: right;">Page 47</p> <p>1 And I believe it would be the even years</p> <p>2 in the sense that when they do their even year</p> <p>3 elections in November, there's lots of runoffs that</p> <p>4 happen in the spring that would make it too difficult</p> <p>5 for them to host our elections separately.</p> <p>6 So we -- instead we didn't want to -- at</p> <p>7 the time didn't want to change our setup of our</p> <p>8 staggered terms of every 3 years because we would have</p> <p>9 had to switch to every 4 years for -- if we had gone</p> <p>10 with the county.</p> <p>11 So we were able to partner with Piney</p> <p>12 Point, who we currently have a contract with, because</p> <p>13 they used one of our far east elementary schools as a</p> <p>14 site for their elections already prior to that.</p> <p>15 And by taking over the election process</p> <p>16 ourselves, we had to look at the administration and</p> <p>17 financial implications of such.</p> <p>18 And so having seven election sites would</p> <p>19 be easier to handle both administratively and</p> <p>20 financially because of the equipment and the people</p> <p>21 involved than 26 sites of the elementary school.</p> <p>22 So that was when that decision made</p> <p>23 for -- and it occurred in the 2012 election the first</p> <p>24 time.</p> <p>25 Q. Do you agree that with the exception of the</p>
<p style="text-align: right;">Page 46</p> <p>1 in the district more or less tracks the ethnic and</p> <p>2 racial background of its students?</p> <p>3 A. I have not seen recent -- any recent census</p> <p>4 numbers, but I would believe that it follows the</p> <p>5 breakdown of the students.</p> <p>6 Q. And -- and based upon the investigation</p> <p>7 that's been conducted by the district to date, at</p> <p>8 least three single-member districts could be drawn in</p> <p>9 the district in which the Hispanic voting age</p> <p>10 population would constitute a majority, correct?</p> <p>11 A. Yes.</p> <p>12 Q. How and when did the district draw the</p> <p>13 current boundaries of its election precincts, which</p> <p>14 happen to be at school enrollment districts?</p> <p>15 A. In 2011, I believe that was when the</p> <p>16 Legislature passed a law stating that we, as a</p> <p>17 district, host our own elections if we went into a</p> <p>18 contract with either a county or a city, host our own</p> <p>19 election in May.</p> <p>20 Prior to that, 2011 and prior, we</p> <p>21 actually had the precincts of our elementary schools.</p> <p>22 So in -- when the law passed, we had discussions with</p> <p>23 the county and the county said that they would be</p> <p>24 willing to partner with us, but would only agree to do</p> <p>25 elections every other year.</p>	<p style="text-align: right;">Page 48</p> <p>1 Spring Branch Middle School and the Spring Forest</p> <p>2 Middle School election precincts and enrollment</p> <p>3 boundaries, those areas are divided between schools</p> <p>4 located on the north and south sides of I-10?</p> <p>5 A. Yes.</p> <p>6 Q. What's the rationale for having election</p> <p>7 precincts and middle school boundaries that zone</p> <p>8 voters and students from the north side of I-10 to the</p> <p>9 south side of I-10 for the Spring Branch and Spring</p> <p>10 Forest Middle Schools?</p> <p>11 A. Using them for election sites -- I mean, for</p> <p>12 election precincts?</p> <p>13 Q. Yeah. It's kind of intertwined. The</p> <p>14 district elected chose to use its middle school</p> <p>15 enrollment districts --</p> <p>16 A. Uh-huh.</p> <p>17 Q. -- as its election districts?</p> <p>18 A. Yes.</p> <p>19 Q. And so I'm not trying to take you into the</p> <p>20 school enrollment question, but since the district</p> <p>21 chose to use its middle school enrollment districts as</p> <p>22 its election precincts, my question is: What's the</p> <p>23 rationale for having precincts in -- for Spring Branch</p> <p>24 and Spring Forest that span I-10?</p> <p>25 A. Those enrollment boundaries were set many</p>

12 (Pages 45 to 48)

<p style="text-align: right;">Page 49</p> <p>1 years ago. So I don't know the rationale why there</p> <p>2 was north and south, but primarily it has to do with</p> <p>3 ensuring that you -- the schools could handle the</p> <p>4 number of students.</p> <p>5 I've seen in other districts' enrollment</p> <p>6 boundaries change as a school may increase, not be</p> <p>7 able to handle their growth.</p> <p>8 So it's possible changes could be made.</p> <p>9 But as we are pretty steady in our growth of students,</p> <p>10 we haven't had to have any type of change to our</p> <p>11 middle schools or any of our enrollment zones, for</p> <p>12 that matter.</p> <p>13 Q. When did the district adopt the middle school</p> <p>14 enrollment zones that are shown on Exhibit 5?</p> <p>15 A. When the last middle school was built, which</p> <p>16 would have been -- I believe is Northbrook Middle. So</p> <p>17 I would say at least the mid-'80s.</p> <p>18 Q. So the boundaries of the election precincts</p> <p>19 and the boundaries of the middle school enrollment</p> <p>20 zones have been in place since sometime in the 1980s,</p> <p>21 correct?</p> <p>22 A. The fact that they're the same, that didn't</p> <p>23 happen until 2012, but yes.</p> <p>24 Q. Let me clarify that.</p> <p>25 In 2012, the district elect -- chose to</p>	<p style="text-align: right;">Page 51</p> <p>1 Spring Branch Middle and students on the north side of</p> <p>2 I-10 go to Spring Forest Middle, correct?</p> <p>3 A. Yes.</p> <p>4 Q. What is the racial and ethnic composition of</p> <p>5 the students from the north side of I-10 that are</p> <p>6 zoned to the south side middle schools and high</p> <p>7 schools?</p> <p>8 A. I don't know that. I would have to dive into</p> <p>9 street addresses.</p> <p>10 Q. We earlier looked at Exhibit 4. Would you</p> <p>11 pull that back out just so you can refer to it when</p> <p>12 you look at Exhibit 5?</p> <p>13 Exhibit 4 depicts the boundaries of the</p> <p>14 Memorial Villages north of I-10.</p> <p>15 Do you see that?</p> <p>16 A. Yes.</p> <p>17 Q. Spring Valley Village and Hilshire Village?</p> <p>18 A. Uh-huh.</p> <p>19 Q. Is that a "yes"?</p> <p>20 A. Yes.</p> <p>21 Q. Thank you.</p> <p>22 Can you confirm that with reference to</p> <p>23 Exhibit 5 the areas of Spring Valley Village and</p> <p>24 Hilshire Village are among the areas zoned from north</p> <p>25 to south?</p>
<p style="text-align: right;">Page 50</p> <p>1 use its middle school enrollment zones as its election</p> <p>2 precincts, correct?</p> <p>3 A. Yes.</p> <p>4 Q. And the district's decision to set the</p> <p>5 boundaries of its middle school enrollment zones dates</p> <p>6 back to the 1980s?</p> <p>7 A. Yes.</p> <p>8 (Marked Porter Exhibit No. 6.)</p> <p>9 Q. (BY MR. ABRAMS) Let me hand you what's been</p> <p>10 marked as Exhibit 6.</p> <p>11 You recognize this as the enrollment zones</p> <p>12 from the district's Web site for its high schools?</p> <p>13 A. Yes.</p> <p>14 Q. It follows the same general layout as</p> <p>15 Exhibit 5 except this map, Exhibit 6, depicts the high</p> <p>16 school enrollments or attendance zones?</p> <p>17 A. Yes.</p> <p>18 Q. And the same pattern holds true for the high</p> <p>19 schools as is true for the middle schools, and that is</p> <p>20 there are two enrollment zones where students on the</p> <p>21 north side go to the south side, the Memorial and the</p> <p>22 Stratford enrollment zones, correct?</p> <p>23 A. Correct.</p> <p>24 Q. And that mirrors the pattern for middle</p> <p>25 schools where students on the north side of I-10 go to</p>	<p style="text-align: right;">Page 52</p> <p>1 Their students go to Spring Branch</p> <p>2 Middle rather than to one of the north-side middle</p> <p>3 schools?</p> <p>4 A. Let me just verify. Yes. It looks like</p> <p>5 Spring Valley Village and Hilshire Village all attend</p> <p>6 Spring Branch Middle.</p> <p>7 Q. And we earlier confirmed that the racial and</p> <p>8 ethnic composition of Spring Valley Village and</p> <p>9 Hilshire Village is majority -- substantially majority</p> <p>10 white, correct?</p> <p>11 A. Correct.</p> <p>12 Q. From that, does it follow that the students</p> <p>13 that are sent from the north side from Spring Valley</p> <p>14 Village and Hilshire Village to the south side middle</p> <p>15 school, Spring Branch Middle, are substantially white</p> <p>16 students?</p> <p>17 A. Yes.</p> <p>18 Q. Do you happen to know anything about the</p> <p>19 demographics of the area north of I-10 where the</p> <p>20 Spring Forest Middle School students go from north to</p> <p>21 south?</p> <p>22 A. No, I don't.</p> <p>23 Q. Isn't it the case that the demographics of</p> <p>24 that subdivision likewise are largely white, with</p> <p>25 white students going from north to south?</p>

13 (Pages 49 to 52)

<p style="text-align: right;">Page 53</p> <p>1 A. I don't know that.</p> <p>2 Q. You're not denying it, you just don't know?</p> <p>3 A. I don't know.</p> <p>4 (Marked Porter Exhibit No. 7.)</p> <p>5 Q. (BY MR. ABRAMS) Let me hand you what's been</p> <p>6 marked as Exhibit 7.</p> <p>7 Do you recognize that as the map from the</p> <p>8 district's Web site akin to Exhibits 5 and 6? This</p> <p>9 one, Exhibit 7, depicts the enrollment zones for the</p> <p>10 district's elementary schools.</p> <p>11 A. Yes.</p> <p>12 Q. And can you confirm that the same pattern or</p> <p>13 a similar pattern holds true with respect to the</p> <p>14 elementary schools that, with the exception of a</p> <p>15 couple of schools, school enrollment boundaries are</p> <p>16 divided between schools located on the north and south</p> <p>17 side of I-10?</p> <p>18 A. Yes.</p> <p>19 Q. What is the racial and ethnic composition of</p> <p>20 the students zoned from the north side of I-10 to</p> <p>21 south-side schools?</p> <p>22 A. I believe there's more minorities.</p> <p>23 Q. Pardon me?</p> <p>24 A. I believe that it's a higher minority in</p> <p>25 that -- in the schools that are on the north side.</p>	<p style="text-align: right;">Page 55</p> <p>1 those schools are white?</p> <p>2 A. Yes.</p> <p>3 Q. Does the district advance the theory that it</p> <p>4 is a proponent of neighborhood schools?</p> <p>5 A. Yes.</p> <p>6 Q. Why, if the district advances the theory of</p> <p>7 neighborhood schools, are students placed in</p> <p>8 enrollment districts that take them to schools that</p> <p>9 are physically farther from their home than schools</p> <p>10 nearby their home?</p> <p>11 MR. CRAWFORD: Objection; form.</p> <p>12 A. When an elementary school is built, they</p> <p>13 consider having students its being built for. And</p> <p>14 schools aren't built in these perfectly middle of</p> <p>15 squares and divided out among the school district.</p> <p>16 And so that very well could be the case,</p> <p>17 that a person -- that a household could be zoned to a</p> <p>18 school that's actually further away from a school that</p> <p>19 could literally be right across the street.</p> <p>20 Q. (BY MR. ABRAMS) I'm looking at Exhibit 5, the</p> <p>21 election precinct map which corresponds to the middle</p> <p>22 school attendance zone map.</p> <p>23 Do you have that?</p> <p>24 A. I do.</p> <p>25 Q. Has the district ever taken into account the</p>
<p style="text-align: right;">Page 54</p> <p>1 Q. Right.</p> <p>2 With respect to Hunters Creek Elementary</p> <p>3 on the right side of Exhibit 7, if I'm interpreting</p> <p>4 these colors correctly, it looks like the area between</p> <p>5 Wirt and not quite up to Antoine is zoned for north to</p> <p>6 south?</p> <p>7 A. Yes.</p> <p>8 Q. Can you confirm that the racial and ethnic</p> <p>9 composition of the students zoned from north to south</p> <p>10 there is largely white?</p> <p>11 A. I don't know that. It is outside of Hilshire</p> <p>12 Village, however.</p> <p>13 Q. Does the district contend that it is purely</p> <p>14 coincidental that the vast majority of the voters and</p> <p>15 students zoned from the north side of I-10 to the</p> <p>16 south side of I-10 are white students from white</p> <p>17 households? For example, Spring Branch Middle School</p> <p>18 Spring Forest Middle School, Memorial High School,</p> <p>19 Stratford High School, Hunters Creek Elementary, and</p> <p>20 Thornwood?</p> <p>21 MR. CRAWFORD: Objection; form.</p> <p>22 A. Yeah.</p> <p>23 Q. (BY MR. ABRAMS) Is that just a coincidence</p> <p>24 that the vast majority of the students and voters that</p> <p>25 are moved from the north side to the south side for</p>	<p style="text-align: right;">Page 56</p> <p>1 racial, ethnic, and socioeconomic characteristics of</p> <p>2 each of these election precincts and school attendance</p> <p>3 zones?</p> <p>4 A. In what regard? I mean, taken into account</p> <p>5 as election zones?</p> <p>6 Q. And/or school enrollment zones, the fact that</p> <p>7 their school enrollment zones where there are white</p> <p>8 students on the north side of I-10 that could readily</p> <p>9 be zoned to a school a stone's throw away but</p> <p>10 nevertheless they're zoned to a white school south of</p> <p>11 I-10?</p> <p>12 A. When these boundaries were established, I</p> <p>13 believe it was based on how many students a school</p> <p>14 could hold.</p> <p>15 Q. Have the boundaries of any election precinct</p> <p>16 or school enrollment zone been the subject of</p> <p>17 discussion with any of the municipalities in the</p> <p>18 district?</p> <p>19 A. Not that I'm aware of.</p> <p>20 Q. Had the boundaries of any election precinct</p> <p>21 or school enrollment zone been the subject of</p> <p>22 discussion with any developers or builders within the</p> <p>23 district?</p> <p>24 A. Not that I'm aware of. In knowing my history</p> <p>25 of working with school districts, when a developer is</p>

<p style="text-align: right;">Page 57</p> <p>1 making decisions on where to build, they want to know</p> <p>2 the facts about what schools they would go to so that</p> <p>3 that's what they can start tabbing as they're</p> <p>4 building.</p> <p>5 So it's information they need. So I</p> <p>6 imagine those discussions have happened as different</p> <p>7 areas have been built up just to make sure that</p> <p>8 they're -- they know that.</p> <p>9 Q. Have the boundaries of any election precinct</p> <p>10 or school enrollment zone been the subject of</p> <p>11 discussion with any homeowners associations or</p> <p>12 subdivisions or neighborhood groups?</p> <p>13 A. Not that I'm aware of.</p> <p>14 Q. Has the district ever investigated the extent</p> <p>15 to which the ethnic and racial demographics that</p> <p>16 differ between the north and south sides of I-10 are</p> <p>17 the result of restrictive zoning that was adopted in</p> <p>18 the Memorial Villages when they were incorporated?</p> <p>19 A. No. We've never investigated that, nor are</p> <p>20 aware of anything like that.</p> <p>21 Q. We earlier discussed the fact that the racial</p> <p>22 and ethnic demographics of the Memorial Villages vary</p> <p>23 dramatically from the racial and ethnic demographics</p> <p>24 of the north side of the district, right?</p> <p>25 A. Yes.</p>	<p style="text-align: right;">Page 59</p> <p>1 Q. Has the ever investigated the fact that</p> <p>2 multifamily housing is not permitted under the zoning</p> <p>3 ordinances of the Memorial Villages, which translates</p> <p>4 into there not being apartments?</p> <p>5 A. Wouldn't investigate it. We know that</p> <p>6 different villages have their own deed restriction,</p> <p>7 yes.</p> <p>8 Q. Has the district ever looked at the history</p> <p>9 of the incorporation of the Memorial Villages, which</p> <p>10 was in 1954 and 1955, shortly after the United States</p> <p>11 Supreme Court decision in Brown versus Board of</p> <p>12 Education, which inte -- which required integration of</p> <p>13 schools?</p> <p>14 A. No, has not investigated that.</p> <p>15 Q. Does the district acknowledge that the</p> <p>16 Memorial Villages were incorporated in 1954 and 1955?</p> <p>17 A. Yes.</p> <p>18 Q. But the district knows nothing about the</p> <p>19 history or rationale for their incorporation at that</p> <p>20 time?</p> <p>21 A. No.</p> <p>22 Q. Is that correct?</p> <p>23 A. That's correct.</p> <p>24 Q. And the district does not claim to have any</p> <p>25 understanding about the explanation for the racial and</p>
<p style="text-align: right;">Page 58</p> <p>1 Q. Yet the district's never looked into why</p> <p>2 those patterns exist?</p> <p>3 A. Not in any way in the sense to educate the</p> <p>4 students that show up.</p> <p>5 Q. So is it the district's position that it is</p> <p>6 ignorant of the cause of the ethnic and racial</p> <p>7 demographics that vary between the communities on the</p> <p>8 north and south sides of I-10?</p> <p>9 MR. CRAWFORD: Objection; form.</p> <p>10 A. We're aware that there are differences, but</p> <p>11 why it's happened, no, we don't know.</p> <p>12 Q. (BY MR. ABRAMS) Has the district ever</p> <p>13 investigated why the dramatically different</p> <p>14 demographics exist between the north and south side</p> <p>15 residential areas of the district?</p> <p>16 A. In the sense that we know that there's more a</p> <p>17 lower socioeconomic level on the north side. We also</p> <p>18 have a lot more apartment complexes and such that</p> <p>19 would lead to that potential.</p> <p>20 More families leaving -- living in a</p> <p>21 closer area and in lower cost housing indicates a</p> <p>22 lower socioeconomic level. And most of the homes on</p> <p>23 the south side are more expensive, so that indicates a</p> <p>24 higher level of socioeconomic, not necessarily deal</p> <p>25 with race, though.</p>	<p style="text-align: right;">Page 60</p> <p>1 ethnic demographics of the residential patterns that</p> <p>2 vary between the north and south-side communities,</p> <p>3 correct?</p> <p>4 A. Correct.</p> <p>5 Q. What process historically did the district</p> <p>6 follow when designating early voting locations in the</p> <p>7 district and what was the rationale for the number and</p> <p>8 placement of those locations through 2021?</p> <p>9 A. 2011 and prior, we actually only had one</p> <p>10 early voting site. It was essential administration</p> <p>11 building.</p> <p>12 When we made the change in 2012, it was</p> <p>13 important to the board because we went from 26 sites</p> <p>14 down to 7 on election day, to offer some additional</p> <p>15 sites for early voting to offer the citizens an</p> <p>16 opportunity.</p> <p>17 And so they made the decision to choose</p> <p>18 a location in the west side that would support the</p> <p>19 west side and one that would support the east side.</p> <p>20 And that's how this location was picked as well as the</p> <p>21 one at that Holy Cross Lutheran Church.</p> <p>22 We also, as part of the agreement with</p> <p>23 Piney Point, agreed to -- that they would host an</p> <p>24 early election site at their site, but that was just</p> <p>25 part of the contract agreement and the very fact that</p>

<p style="text-align: right;">Page 61</p> <p>1 we have to have one with a city or county in order to</p> <p>2 host those May elections.</p> <p>3 Q. Did anyone ever discuss the irony of putting</p> <p>4 a early election site at Piney Point's city hall given</p> <p>5 that Piney Point city hall is not located in Piney</p> <p>6 Point and that's why Piney Point has to have its</p> <p>7 elections at a Spring Branch Independent School</p> <p>8 District elementary school so it can actually conduct</p> <p>9 its elections within its own city?</p> <p>10 A. It was --</p> <p>11 MR. CRAWFORD: No objection other than</p> <p>12 to note that that was a mouthful.</p> <p>13 THE WITNESS: Yes.</p> <p>14 A. I mean, that --</p> <p>15 MR. ABRAMS: Just an observation.</p> <p>16 A. It is, because they actually -- they host</p> <p>17 meetings and such at our sites too. But yeah.</p> <p>18 Q. (BY MR. ABRAMS) With reference to Exhibit 5,</p> <p>19 the election precincts and middle school attendance</p> <p>20 zones, the west side location you said for the</p> <p>21 attendance zone was basically near where we are here</p> <p>22 at the Don Coleman Center?</p> <p>23 A. Yes.</p> <p>24 Q. And looking at Exhibit 5, if we look at Dairy</p> <p>25 Ashford, it's near -- it's between Memorial and I-10</p>	<p style="text-align: right;">Page 63</p> <p>1 A. A little south and east of 115, the red</p> <p>2 circle for Valley Oaks.</p> <p>3 Q. Okay.</p> <p>4 A. So south and east of that is...</p> <p>5 Q. And I believe we earlier talked about the</p> <p>6 fact that's within Hilshire Village, right?</p> <p>7 A. Correct.</p> <p>8 Q. So up until the -- and through the 2021</p> <p>9 election, none of the early voting locations were</p> <p>10 located among the Landrum, Spring Woods, Northbrook,</p> <p>11 Spring Oaks Middle School attendance zones and none</p> <p>12 were located north of I-10 other than the one at</p> <p>13 Hilshire Village?</p> <p>14 A. Correct.</p> <p>15 Q. You indicated there's an intention to put in</p> <p>16 one more early voting location in 2022?</p> <p>17 A. Yes.</p> <p>18 Q. Has the board voted on that?</p> <p>19 A. No. They'll vote on that in January.</p> <p>20 Q. When -- when and in what context have</p> <p>21 discussions occurred about the potential of adding a</p> <p>22 new early voting location?</p> <p>23 A. After the 2021 election, after analyzing how</p> <p>24 many early votes we had, which was well over 5,000</p> <p>25 votes, when normally it's less than a thousand votes</p>
<p style="text-align: right;">Page 62</p> <p>1 on Dairy Ashford, right?</p> <p>2 A. Correct.</p> <p>3 Q. And it's in the Spring Forest Middle School</p> <p>4 zone south of the freeway?</p> <p>5 A. Yes.</p> <p>6 Q. Another location is the so-called ad</p> <p>7 building, now properly known as the Wayne Schaper</p> <p>8 Leadership Center. And that is located south of I-10,</p> <p>9 two-thirds of the way to the right, between Echo Lane</p> <p>10 and Voss on this map. It shows a letter C, I think.</p> <p>11 A. Yes.</p> <p>12 Q. So that location likewise is south of I-10,</p> <p>13 correct?</p> <p>14 A. Correct.</p> <p>15 Q. The city of Piney Point Village location on</p> <p>16 Woodway is not depicted, but it's in fairly -- the --</p> <p>17 the fairly southernmost portion of the Spring Branch</p> <p>18 Middle School zone, correct?</p> <p>19 A. Correct.</p> <p>20 Q. And then the Holy Cross Lutheran Church is on</p> <p>21 Westview and it is on the easternmost portion of</p> <p>22 Westview within Hilshire Village, essentially.</p> <p>23 Can you pick a -- a landmark on</p> <p>24 Exhibit 5 that will tell us roughly where the Holy</p> <p>25 Cross early voting location was?</p>	<p style="text-align: right;">Page 64</p> <p>1 in early election and often around 400 or 500, as well</p> <p>2 as we heard from, I would say a handful, maybe five</p> <p>3 different people asking us to add an additional early</p> <p>4 election site last year, which I couldn't at that</p> <p>5 point because that decision has already been made</p> <p>6 based on the historical occurrence of how voting fell,</p> <p>7 we began to ponder where we would have another early</p> <p>8 election site.</p> <p>9 And actually John Knox Presbyterian, the</p> <p>10 minister from that church that's at Hammerly and</p> <p>11 Gessner reached out to us and offered their location</p> <p>12 as a site for early election.</p> <p>13 And so we went and looked at their room,</p> <p>14 what they have, and feel that it will be a good fit</p> <p>15 for us, mainly because I appreciate that it's on</p> <p>16 Gessner, which would allow for some public</p> <p>17 transportation, access to -- easier access to -- to</p> <p>18 people on the northwest side, because that's who we</p> <p>19 were hearing from, that they were having some</p> <p>20 difficulties getting to the early election sites.</p> <p>21 Q. Did the reports from northwest residents</p> <p>22 about difficulties with early voting sites occur</p> <p>23 before or after the 2021 election?</p> <p>24 A. During.</p> <p>25 Q. During the election?</p>

<p style="text-align: right;">Page 65</p> <p>1 A. (Nodding head.)</p> <p>2 Q. And what impact does the district acknowledge</p> <p>3 limiting access to early voting locations may have on</p> <p>4 the election?</p> <p>5 A. We don't believe it limited their access</p> <p>6 because early elections are over eight different --</p> <p>7 let me get my numbers right -- eight different days</p> <p>8 which would -- with the weekends as an opportunity to</p> <p>9 get to early elections as well as they would have</p> <p>10 their neighborhood middle schools on the election day</p> <p>11 to vote on.</p> <p>12 (Marked Porter Exhibit No. 8.)</p> <p>13 Q. (BY MR. ABRAMS) What day of the week is the</p> <p>14 regular election held?</p> <p>15 A. Saturday.</p> <p>16 Q. Let me hand you what's been marked as</p> <p>17 Exhibit 8.</p> <p>18 Do you recognize this as the notice for</p> <p>19 the last trustee election --</p> <p>20 A. Yes.</p> <p>21 Q. -- indicating the various early voting</p> <p>22 locations?</p> <p>23 A. Yes.</p> <p>24 Q. And those are the locations you indicated</p> <p>25 were in place from 2012 to 2021?</p>	<p style="text-align: right;">Page 67</p> <p>1 Q. Organized groups that endorse candidates and</p> <p>2 provide slates of candidate to elect.</p> <p>3 A. We don't have any knowledge of that. Is that</p> <p>4 what the question was? I'm sorry.</p> <p>5 Q. Right.</p> <p>6 Has the district ever investigated the</p> <p>7 extent to which in these school board trustee</p> <p>8 elections there have been formal or informal candidate</p> <p>9 slating processes where groups endorse candidates?</p> <p>10 A. We have not investigated it.</p> <p>11 Q. In the -- does the district have any</p> <p>12 knowledge of the extent to which there has been</p> <p>13 candidate slating either formally or informally during</p> <p>14 trustee elections?</p> <p>15 A. We have no knowledge.</p> <p>16 Q. Is the district aware of the extent to which</p> <p>17 during the period 2011 to 2021 any trustee election</p> <p>18 has involved in the campaign process overt or subtle</p> <p>19 racial or ethnic appeals?</p> <p>20 A. We're not aware of any. I've heard in some</p> <p>21 recent public comments, I believe it was Noel --</p> <p>22 Q. Referring to Mr. Lezama?</p> <p>23 A. Yes.</p> <p>24 Q. Thanks.</p> <p>25 A. Mr. Lezama.</p>
<p style="text-align: right;">Page 66</p> <p>1 A. Yes.</p> <p>2 Q. And before that time, there was only one</p> <p>3 early voting location?</p> <p>4 A. Correct.</p> <p>5 Q. And that was at the Wayne Schaper Leadership</p> <p>6 Center or then the ad building --</p> <p>7 A. Yes.</p> <p>8 Q. -- administration building --</p> <p>9 A. Uh-huh.</p> <p>10 Q. -- which is also located on the south side --</p> <p>11 A. Yes.</p> <p>12 Q. -- of I-10?</p> <p>13 A. (Nodding head.)</p> <p>14 Q. So before 2012, there were no early voting</p> <p>15 locations on the north side of I-10, correct?</p> <p>16 A. Correct.</p> <p>17 Q. And after 2012, there's been one early voting</p> <p>18 location, and that's on the northeast corner of</p> <p>19 Hilshire Village?</p> <p>20 A. Correct.</p> <p>21 Q. Does the district have any knowledge to --</p> <p>22 about the extent to which can district trustee</p> <p>23 elections have involved formal or informal candidates</p> <p>24 slating processes?</p> <p>25 A. Can you define "slating"?</p>	<p style="text-align: right;">Page 68</p> <p>1 Q. Thank you.</p> <p>2 A. -- talked to some of that happening during</p> <p>3 his campaign.</p> <p>4 And I know he talked with a newspaper</p> <p>5 reporter. That's all I'm aware of. I don't have any</p> <p>6 documentation of that happening.</p> <p>7 If things like that were brought to my</p> <p>8 attention, we would always recommend that people</p> <p>9 report that to the appropriate either Secretary of</p> <p>10 State or Ethics Commission because they're the ones</p> <p>11 that actually oversee the campaigning process of</p> <p>12 elections.</p> <p>13 Q. Apart from the recent reports by Mr. Lezama</p> <p>14 about racial or ethnic communications during his</p> <p>15 campaign, does the district have any awareness of any</p> <p>16 other campaigns in which similar communications were</p> <p>17 distributed?</p> <p>18 A. No, not aware.</p> <p>19 Q. Does the district have access to the 2020</p> <p>20 Census and American Community Survey information?</p> <p>21 A. I understand it's in the hands of our</p> <p>22 demographer, but, no, we, ourselves, haven't seen any</p> <p>23 reports from that census data.</p> <p>24 Q. Who is the district's demographer?</p> <p>25 A. Davis Templeton, I believe, is the name. I</p>

17 (Pages 65 to 68)

<p style="text-align: right;">Page 69</p> <p>1 don't know if that's the completely -- there might be 2 another name on the title. I know Ms. Templeton. 3 Q. Is Davis Templeton, independent of the 4 lawsuit, charged with any responsibilities to assist 5 the district on demographic matters? 6 A. They help us with enrollment projections, 7 mainly. That's where we've -- where we've used their 8 data before, what they acknowledge -- you know, 9 they're able to track, you know, what developing -- 10 developments are in play, like who has put in permits 11 and things like that, to let us know that homes are 12 being built or apartments are being built to prepare 13 us for influx of kids. 14 Q. What role, if any, do you understand Davis 15 Templeton is currently undertaking to analyze the 2020 16 Census or American Community Survey demographic 17 information for the district? 18 A. Primarily to help us with the enrollment 19 trends that are happening. Because our information is 20 provided in the census, like racial breakdown, that 21 could give us some indication of some areas that are 22 starting to grow to ensure that we're prepared to 23 provide, you know, supports that don't necessarily 24 come with the race but might come with other things 25 tied to them, primarily socioeconomic needs.</p>	<p style="text-align: right;">Page 71</p> <p>1 Q. And a Title I campus requires that what 2 percentage of the students are eligible for free and 3 reduced lunch? 4 A. At least 45 percent and definitely over 5 50 percent. A campus can fluctuate year to year. And 6 so once they meet Title I standards or once they meet 7 the Title I threshold, they could drop a little bit, 8 you know, if one year just a few less kids fill out 9 the form and then, you know, come back up. 10 But I would say need at least 45 to 11 50 percent of free and reduced lunch. 12 Q. I want to kind of go behind the numbers to 13 understand what differences in funding exist and how 14 general fund dollars are allocated that result in the 15 differences. 16 A. Okay. 17 Q. With reference to the 2019-2020 figures, for 18 example, I see different per student averages. 19 What factors can result in the 20 differential on per student expenditures among the 21 different schools because I assume that all the 22 Title I influences separate and apart from this sheet, 23 right? 24 A. Correct. 25 Q. So Exhibit 9 doesn't reflect any Title I</p>
<p style="text-align: right;">Page 70</p> <p>1 Q. Does the district know what the current 2 percentage of citizenship voting age population for 3 voters in the district is by race and ethnic group? 4 A. No, we don't know that. 5 (Marked Porter Exhibit No. 9.) 6 Q. (BY MR. ABRAMS) Let me hand you what's been 7 marked as Exhibit 9. 8 Exhibit 9 is a document the district produced 9 with Bates No. SBISD 798 titled "Spring Branch ISD 10 10-Year Per Student Cost General Fund." 11 What does this document show? 12 A. This takes the expenditures that happened out 13 of our -- specifically out of our general fund and 14 using the student enrollments at -- on each of those 15 years to determine a per student cost of actual 16 expenditures. 17 Out of that general fund, we've also 18 indicated by highlighting in each year what campuses 19 were considered Title I campuses. 20 Q. Earlier in your testimony, I asked you about 21 Title I campuses. 22 And does Exhibit 9, by its highlighting, 23 tell us all which of the campuses are Title I 24 campuses? 25 A. Yes.</p>	<p style="text-align: right;">Page 72</p> <p>1 funding, which would flow through campus -- two 2 campuses that have economically disadvantaged 3 students, right? 4 A. Correct. 5 Q. What explanations are there for the per 6 student differentials reflected in Exhibit 9? 7 A. There's several pieces of data that affect 8 that. 9 For one, the actual enrollment of 10 students. When you consider a campus, every campus 11 has to have a principal, for instance. And so more or 12 less students spreads out that cost per student. So 13 definitely the enrollment of students as well as the 14 programs at those campuses. 15 For instance, if you look at an 16 elementary school, Bendwood School -- 17 Q. Yes. Sure. 18 A. -- that has very specialized special 19 education programs there. Much, much lower 20 student-teacher ratios and things like that. 21 So they're going to have -- by nature of 22 their programatic happening specific to their campus 23 is going to, you know, produce more dollars there. 24 We also look at specific programs that 25 happen at each campus, CTE programs, for instance, as</p>

<p style="text-align: right;">Page 73</p> <p>1 well as specific special education programs. Not</p> <p>2 every campus hosts every program there.</p> <p>3 Another thing we do look at that free</p> <p>4 and reduced lunch percentage. And if you -- depending</p> <p>5 on how many kids were reported with an approved free</p> <p>6 and reduced lunch application, we then give additional</p> <p>7 staffing and dollars for those -- at those campuses.</p> <p>8 So a campus with a higher free and</p> <p>9 reduced lunch percentage by design would receive</p> <p>10 additional dollars towards staffing or additional --</p> <p>11 well, towards spending in programs and then additional</p> <p>12 staffing allocations.</p> <p>13 Q. And the factors that I've heard so far that</p> <p>14 would be an explanation for why there are differential</p> <p>15 per student expenditures start with enrollment.</p> <p>16 A. Uh-huh.</p> <p>17 Q. If you have fewer students, then the costs</p> <p>18 are spread among fewer students. That's one factor,</p> <p>19 correct?</p> <p>20 A. Uh-huh.</p> <p>21 Q. A second -- is that a "yes"?</p> <p>22 A. Yes.</p> <p>23 Q. A second factor is there really are some</p> <p>24 specialized campuses. You used Bendwood as an</p> <p>25 example, which is not akin to a traditional elementary</p>	<p style="text-align: right;">Page 75</p> <p>1 A. Primarily at the secondary campus, yes.</p> <p>2 Q. Are there any other significant factors that</p> <p>3 go into explaining the differential expenditures</p> <p>4 reflected on Exhibit 9 on a per student basis out of</p> <p>5 the general fund other than what you've told me?</p> <p>6 A. We also have campuses that are considered</p> <p>7 catalyst schools. That's our definition of schools</p> <p>8 that are struggling to meet the requirements by the</p> <p>9 State to be considered -- passing might be the</p> <p>10 terminology.</p> <p>11 And so in some cases we've allocated an</p> <p>12 additional position or supports at those campuses to</p> <p>13 help them analyze data to help them ensure kids are</p> <p>14 getting the specific support on the specific subject</p> <p>15 that they need.</p> <p>16 Q. Where within the system are these budgetary</p> <p>17 and staffing decisions made to reallocate funds from</p> <p>18 the districtwide average?</p> <p>19 A. Probably with -- it starts at</p> <p>20 administratively. We look at the trends and the</p> <p>21 needs. We look to see what those costs would be.</p> <p>22 Also, I would say in cohort with the</p> <p>23 board defining their goals, that's actually -- we</p> <p>24 watch what the needs are. We look at the board goals.</p> <p>25 And more than likely, they're often in</p>
<p style="text-align: right;">Page 74</p> <p>1 school?</p> <p>2 A. Correct.</p> <p>3 Q. A third factor is there's some campuses where</p> <p>4 there are specialized programs such as CTE or special</p> <p>5 ed where the dollars are tracked to that campus, but</p> <p>6 they correspond to a specialized program?</p> <p>7 A. Yes.</p> <p>8 Q. And then the fourth factor is some additional</p> <p>9 amount allocated to campuses that exceed some</p> <p>10 threshold for free and reduced lunch children?</p> <p>11 A. Correct.</p> <p>12 Q. Is there a per student stipend or per student</p> <p>13 add-on that corresponds to this fourth factor, the</p> <p>14 free and reduced lunch?</p> <p>15 A. Primarily, we see it in the staffing</p> <p>16 allocations at the high schools where they're based on</p> <p>17 their the counts. And I -- may not be exact, but I</p> <p>18 want to say, you know, for every 25 or 30 free and</p> <p>19 reduced lunch kits, they get an additional staffing</p> <p>20 unit. Something along that line.</p> <p>21 Q. So there's some ratio --</p> <p>22 A. Yes.</p> <p>23 Q. -- that determines how much additional</p> <p>24 funding goes to a campus based upon the number of free</p> <p>25 and reduced lunch children?</p>	<p style="text-align: right;">Page 76</p> <p>1 line in the sense that, for instance, numeracy and</p> <p>2 literacy, superintendent goals, board goals, focus</p> <p>3 needs to be made on that.</p> <p>4 So we've ensured -- you've heard people</p> <p>5 talk about the federal dollars we've got in the ESSER</p> <p>6 dollars. Those specifically, quite a bit of it, are</p> <p>7 very focussed on numerous needs at -- to help the</p> <p>8 entire district. And then those are assigned to</p> <p>9 campuses that need that.</p> <p>10 So the decision, you know, we -- however</p> <p>11 then have to analyze can we handle the budget costs.</p> <p>12 That case we specifically had ESSER dollars. In</p> <p>13 another case, if we didn't have those types of</p> <p>14 dollars, we would have to analyze our programs and</p> <p>15 determine what programs aren't as supportive of what</p> <p>16 we need.</p> <p>17 So I would say between the</p> <p>18 administration and the board, the board ultimately</p> <p>19 approves the budget.</p> <p>20 Q. Right. I was going to say I know that as a</p> <p>21 legal matter the board has to approve the budget, but</p> <p>22 I also suspect as a practical matter administratively</p> <p>23 you have to roll up to the board level --</p> <p>24 A. Absolutely.</p> <p>25 Q. -- with your line items.</p>

<p style="text-align: right;">Page 77</p> <p>1 A. Yes.</p> <p>2 Q. And those begin with the -- with the</p> <p>3 administrative staff?</p> <p>4 A. With the administrative staff down to, I</p> <p>5 mean, campuses are given their allotments and</p> <p>6 departments --</p> <p>7 Q. Okay.</p> <p>8 A. -- you know, have their requests and bring us</p> <p>9 their budget.</p> <p>10 Q. During the period from 2011 to 2021, the last</p> <p>11 decade, has the district either received or published</p> <p>12 information about whether it should or shouldn't</p> <p>13 change its method of elected trustees?</p> <p>14 A. I know in the recent year there's been</p> <p>15 various e-mails. I haven't seen them specifically.</p> <p>16 I've just heard talk about e-mails that board members</p> <p>17 have received, talking about whether or not -- from</p> <p>18 both sides of the argument, whether or not we should</p> <p>19 switch or not, especially tied to once the lawsuit was</p> <p>20 filed, not really leading up to it.</p> <p>21 I know, again, going back to that there</p> <p>22 was a discussion in 2020, obviously with the board,</p> <p>23 tied to -- I mean, at that time, you know, over that</p> <p>24 previous year, several school districts in the north</p> <p>25 side of Texas had been sued basically under this --</p>	<p style="text-align: right;">Page 79</p> <p>1 just for the purposes to see what -- you know, to</p> <p>2 account for who was supportive or not supportive of</p> <p>3 changing.</p> <p>4 Q. Has the district requested from its trustees</p> <p>5 copies of communications they have received in their</p> <p>6 capacity as trustees concerning whether or not the</p> <p>7 district should change its method of electing its</p> <p>8 trustees?</p> <p>9 A. I believe it's -- if it's been requested</p> <p>10 through public information requests, then those</p> <p>11 requests have been made; but I don't know, again, of</p> <p>12 the specific requests.</p> <p>13 MR. ABRAMS: Charles, we'll talk</p> <p>14 separately about it. We made such a request and we</p> <p>15 didn't get anything, and so I think there was a</p> <p>16 suggestion that maybe we needed to define search</p> <p>17 terms.</p> <p>18 MR. CRAWFORD: My understanding was --</p> <p>19 MR. ABRAMS: You and I can talk about</p> <p>20 that separately.</p> <p>21 MR. CRAWFORD: Sure. Yeah, that was my</p> <p>22 understanding, is that Chris was waiting for some</p> <p>23 search terms from you so that we could -- because</p> <p>24 apparently there's a large volume of e-mails that</p> <p>25 might come up. So he was trying to narrow that down.</p>
<p style="text-align: right;">Page 78</p> <p>1 relatively same premise.</p> <p>2 I know there's some different facts</p> <p>3 there. And the board recognized that the diversity of</p> <p>4 our school district appears to not be literally</p> <p>5 represented on the school board, and so just wanted to</p> <p>6 see what the options were to ensure that we were</p> <p>7 getting that participation.</p> <p>8 So I know that type of discussion has</p> <p>9 happened, but other than the more recent comments</p> <p>10 really tied to the lawsuit, I'm not aware.</p> <p>11 Q. Between the time of the 2020 presentation by</p> <p>12 the district's lawyers until the lawsuit, did the</p> <p>13 district undertake any other discussions or</p> <p>14 investigations of whether or not it would consider</p> <p>15 changing its electual [phonetic] system?</p> <p>16 A. No. They were waiting for the results from</p> <p>17 the 2020 Census to determine if the need.</p> <p>18 Q. Has the district made any attempt to collect</p> <p>19 and produce the e-mail communications, which you</p> <p>20 indicated it has received, concerning whether or not</p> <p>21 it should change its method of elected trustees?</p> <p>22 A. My understanding is there may have been some</p> <p>23 public information requests that some of those e-mails</p> <p>24 might have come a part of, but that's all I know.</p> <p>25 I don't know of any specific collection</p>	<p style="text-align: right;">Page 80</p> <p>1 That hadn't happened yet, and we're in the process.</p> <p>2 MR. ABRAMS: That would be a subject for</p> <p>3 our discussion.</p> <p>4 MR. CRAWFORD: Sounds great.</p> <p>5 MR. ABRAMS: No need to trouble</p> <p>6 Ms. Porter with that.</p> <p>7 Q. (BY MR. ABRAMS) I'm now going to turn --</p> <p>8 actually, let me see. We're almost at the hour mark.</p> <p>9 And I'm closing in on a series of questions that are</p> <p>10 going to go back to the allegations in the lawsuit.</p> <p>11 If you're ready, this might be a good time to</p> <p>12 take another one of our short breaks and we might be</p> <p>13 able to close this out after our next break.</p> <p>14 A. Sounds great.</p> <p>15 Q. Okay?</p> <p>16 A. Okay.</p> <p>17 (Break from 11:23 a.m. to 11:31 a.m.)</p> <p>18 Q. (BY MR. ABRAMS) Ms. Porter, I now want to</p> <p>19 visit with you about topics in the notice of</p> <p>20 deposition that concern some of the factual</p> <p>21 allegations in the lawsuit and the district's stated</p> <p>22 position when it answered, just to give you a</p> <p>23 heads-up.</p> <p>24 In the defendant's answer, it denied that its</p> <p>25 election system violates the Voting Rights Act or</p>

<p style="text-align: right;">Page 81</p> <p>1 denies minority voters' rights.</p> <p>2 My question is: Before the district filed</p> <p>3 that denial, what investigation and analysis did it</p> <p>4 do?</p> <p>5 A. I don't know of a specific investigation or</p> <p>6 analysis that we did. It was just the belief that we</p> <p>7 were not denying their rights.</p> <p>8 Q. Can you confirm that before filing that</p> <p>9 denial the district did not conduct an investigation</p> <p>10 into whether or not the allegations were true?</p> <p>11 MR. CRAWFORD: Objection; form.</p> <p>12 A. Can you word it again, because I just lost</p> <p>13 how I would answer that? I'm sorry.</p> <p>14 Q. (BY MR. ABRAMS) Yes, ma'am.</p> <p>15 A. The proper word.</p> <p>16 Q. Yes, ma'am. I'll ask you again.</p> <p>17 Before the district denied that its</p> <p>18 conduct violates the Voting Rights Act or denies</p> <p>19 minority voters rights under that act, can you confirm</p> <p>20 the district did not conduct any investigation or</p> <p>21 analysis of that subject?</p> <p>22 MR. CRAWFORD: Objection; form.</p> <p>23 A. Yes, I can confirm that.</p> <p>24 Q. (BY MR. ABRAMS) In Paragraph 8 of the</p> <p>25 district's answer -- and by the term "district," now</p>	<p style="text-align: right;">Page 83</p> <p>1 Before denying that, did the district conduct</p> <p>2 any investigation or analysis of whether that fact is</p> <p>3 true?</p> <p>4 MR. CRAWFORD: Objection; form.</p> <p>5 A. We had no history. We -- we knew of no</p> <p>6 history of that happening, so we did not do any</p> <p>7 additional investigation.</p> <p>8 Q. (BY MR. ABRAMS) Does the district know one</p> <p>9 way or the other whether in the school board elections</p> <p>10 during the 10-year period 2011 to 2021 involved a</p> <p>11 majority of its white voters supporting different</p> <p>12 candidates than did the majority of its Hispanic and</p> <p>13 African-American voters?</p> <p>14 A. We did not know that.</p> <p>15 Q. Don't know one way or the other?</p> <p>16 A. Correct.</p> <p>17 Q. Maybe happened, maybe didn't happen?</p> <p>18 A. That's correct.</p> <p>19 Q. And the district's not investigated whether</p> <p>20 or not that happened?</p> <p>21 A. Correct.</p> <p>22 Q. Has the district investigated whether or not</p> <p>23 in the most recent school board trustee election in</p> <p>24 2021 the majority of the white voters supported the</p> <p>25 white candidates and that amount exceeded the number</p>
<p style="text-align: right;">Page 82</p> <p>1 I'm referring to the district and its trustees that</p> <p>2 have been sued in their official capacity --</p> <p>3 A. Yes.</p> <p>4 Q. -- with the defendant's answer.</p> <p>5 The defendants denied that its at-large</p> <p>6 system was the reason that the plaintiff lost in the</p> <p>7 most recent election.</p> <p>8 Before making that denial, can you</p> <p>9 confirm that the district did not conduct any</p> <p>10 investigation or analysis of that allegation?</p> <p>11 MR. CRAWFORD: Objection; form.</p> <p>12 A. We did not do any investigation.</p> <p>13 Q. (BY MR. ABRAMS) In the defendant's answer,</p> <p>14 the district denied that its elections involve</p> <p>15 racially polarized voting.</p> <p>16 Can you confirm that before the district</p> <p>17 denied that allegation it did not conduct any</p> <p>18 investigation or analysis of the truth or falsity</p> <p>19 of -- of that fact?</p> <p>20 MR. CRAWFORD: Objection; form.</p> <p>21 A. We did not do any investigation.</p> <p>22 Q. (BY MR. ABRAMS) In Paragraph 48 of its</p> <p>23 answer, the district denied that Spring Branch's</p> <p>24 neighborhoods evidence a history of residential</p> <p>25 segregation and racial conflict.</p>	<p style="text-align: right;">Page 84</p> <p>1 of white voters who supported the plaintiff?</p> <p>2 A. We have --</p> <p>3 MR. CRAWFORD: Objection; form.</p> <p>4 A. We have not investigated that.</p> <p>5 Q. (BY MR. ABRAMS) Might be true, might not be</p> <p>6 true? District doesn't know?</p> <p>7 A. We do not know.</p> <p>8 Q. In Paragraph 53 of the defendant's answer,</p> <p>9 the defendants denied that district elections are</p> <p>10 deeply racially polarized.</p> <p>11 Before denying that allegation, had the</p> <p>12 district conducted any investigation or analysis of</p> <p>13 whether or not that allegation was true?</p> <p>14 MR. CRAWFORD: Objection; form.</p> <p>15 A. No.</p> <p>16 Q. (BY MR. ABRAMS) In Paragraph 58 of the</p> <p>17 defendant's answer, the defendants denied that the</p> <p>18 district has enacted any barriers to voting.</p> <p>19 Before making that denial, had the district</p> <p>20 conducted any investigation or analysis of whether or</p> <p>21 not that allegation is true?</p> <p>22 MR. CRAWFORD: Objection; form.</p> <p>23 A. No.</p> <p>24 Q. (BY MR. ABRAMS) Does the district</p> <p>25 acknowledge that the location of its early voting</p>

<p style="text-align: right;">Page 85</p> <p>1 sites provides an impediment to voters on the north 2 side of the district to vote -- early vote? 3 A. Based on responses or comments I received 4 during this election, I realized I would be better 5 serving the voters of the district if I put another 6 one on the northwest side. But going into the 7 election, we did not believe that was an impediment. 8 Q. Does the district acknowledge that the 9 location of its early voting sites has an impact on 10 voter turnout? 11 A. I don't know. 12 Q. In Paragraph 75 of the defendant's answer, 13 the district made the statement that single-member 14 districts can promote balkanization of a school 15 district by electing trustees who are only focused on 16 the interest of the constituents of their smaller 17 single-member districts and not necessarily on the 18 overall good of the school district. 19 Before making that statement and its 20 answer, had the district investigated whether or not 21 the existing body of social science research 22 contradicts that statement? 23 MR. CRAWFORD: Objection; form. 24 A. Nothing scientific. No scientific 25 investigation. The -- there's fear -- an underlying</p>	<p style="text-align: right;">Page 87</p> <p>1 stated that -- 2 A. Is that -- I'm sorry, is that on this, so I 3 can read it as you say it? 4 Q. Sure. If you look at Topic 38, if I've 5 accurately created my notes. 6 A. Yes. I'm sorry. 7 Q. Are you with me, Topic 38? 8 A. Yes. 9 Q. I'm asking you about the last part of that 10 topic, which is the assertion by the defendants that 11 there are, quote, sound nonrace-based policy reasons 12 for maintaining at-large voting systems. 13 What's the factual basis for the 14 district's position? 15 A. That everybody who is a voting citizen has 16 the right to vote for whoever they want to and 17 regardless of race throughout the district at every 18 election. 19 That is not limited to only certain 20 elections. And that's because we are an at-large 21 system. 22 Q. Does the district acknowledge, in light of 23 its awareness of litigation involving other Texas 24 school districts, that the Voting Rights Act assures 25 that the voting strength of its minority voters is not</p>
<p style="text-align: right;">Page 86</p> <p>1 fear in all school districts that that potentially can 2 happen with single-member districts. 3 Q. (BY MR. ABRAMS) What analysis has the 4 district ever conducted to determine whether in school 5 districts with single-member districts that negative 6 effect has occurred? 7 A. No investigation. 8 Q. What, then, was the source of this fear that 9 the district voiced in its answer that single-member 10 districts might have negative impacts? 11 MR. CRAWFORD: Objection; form. 12 A. No specific source. Just the belief that 13 they represent the entire district as the board stands 14 now at the at-large. 15 It was more a strong belief that the 16 at-large system can support and represent the entire 17 district. 18 Q. (BY MR. ABRAMS) In Paragraph 75 of its 19 answer, the defendants claim that there are, quote, 20 sound nonrace-based policy reasons for maintaining 21 at-large voting systems, close quote. 22 What are those sound nonbased -- nonrace-based 23 policy reasons? 24 A. Can you repeat that question? 25 Q. In Paragraph 75 of the defendant's answer, it</p>	<p style="text-align: right;">Page 88</p> <p>1 to be diluted by the majority? 2 A. Yes, they understand that. 3 Q. Does the district acknowledge that there are 4 sound policy reasons for adopting a single-member 5 district plan as has been the case in various other 6 Texas school districts? 7 MR. CRAWFORD: Objection; form. 8 A. Single-member districts would ensure that 9 specific minority groups have an opportunity to be 10 represented as required by the Texas voters' rights. 11 Q. (BY MR. ABRAMS) So the district acknowledges 12 that there are also sound policy reasons for adopting 13 a single-member plan just as there are some policy 14 reasons that support maintenance of an at-large plan? 15 MR. CRAWFORD: Objection; form. 16 Q. (BY MR. ABRAMS) Correct? 17 A. Correct. 18 Q. And one of the policy reasons supporting the 19 adoption of single member plans is that those plans 20 may allow minority voters references to be better 21 reflected in the election results? 22 MR. CRAWFORD: Objection; form. 23 A. That's possible. Correct. 24 Q. (BY MR. ABRAMS) In Paragraph 76 of the 25 defendant's answer, the defendants denied that its</p>

22 (Pages 85 to 88)

<p style="text-align: right;">Page 89</p> <p>1 system for electing trustees dilutes the voting</p> <p>2 strength of racial or language minorities.</p> <p>3 Before making that denial, what investigation</p> <p>4 or analysis had the district conducted to determine</p> <p>5 whether or not that allegation was true?</p> <p>6 MR. CRAWFORD: Objection; form.</p> <p>7 A. No investigation.</p> <p>8 Q. (BY MR. ABRAMS) In Paragraph 79 of the</p> <p>9 defendant's answer, the district denied that it had</p> <p>10 done anything which gave the Latino community or any</p> <p>11 other minority citizens less of an opportunity to</p> <p>12 participate in the political process, before making</p> <p>13 that denial what investigation or analysis had the</p> <p>14 district conducted of that allegation to determine</p> <p>15 whether or not it's true?</p> <p>16 MR. CRAWFORD: Objection; form.</p> <p>17 A. No specific investigation.</p> <p>18 Q. (BY MR. ABRAMS) Do you believe you've</p> <p>19 understood my questions here today except for when you</p> <p>20 told me you didn't?</p> <p>21 A. Yes.</p> <p>22 Q. And when you told me you didn't, did I work</p> <p>23 with you until I asked you a question that you did</p> <p>24 understand?</p> <p>25 A. Yes.</p>	<p style="text-align: right;">Page 91</p> <p>1 WITNESS CORRECTIONS AND SIGNATURE</p> <p>2 Please indicate changes on this sheet of paper,</p> <p>3 giving the change, page number, line number and reason</p> <p>4 for the change. Please sign each page of changes.</p> <p>5 PAGE/LINE CORRECTION REASON FOR CHANGE</p> <p>6 _____</p> <p>7 _____</p> <p>8 _____</p> <p>9 _____</p> <p>10 _____</p> <p>11 _____</p> <p>12 _____</p> <p>13 _____</p> <p>14 _____</p> <p>15 _____</p> <p>16 _____</p> <p>17 _____</p> <p>18 _____</p> <p>19 _____</p> <p>20 _____</p> <p>21 _____</p> <p>22 _____</p> <p>23 _____</p> <p>24 _____</p> <p>25 _____</p> <p style="text-align: center;">CHRISTINE PORTER</p>
<p style="text-align: right;">Page 90</p> <p>1 Q. Are there any of your answers on behalf of</p> <p>2 the district that you would like to change or correct</p> <p>3 at this time?</p> <p>4 A. Not at this time.</p> <p>5 Q. Okay.</p> <p>6 MR. ABRAMS: At this time I have no</p> <p>7 further questions.</p> <p>8 And I thank you for your courtesy.</p> <p>9 THE WITNESS: Thank you.</p> <p>10 MR. CRAWFORD: Thank you. We -- we will</p> <p>11 reserve our questions.</p> <p>12 MR. ABRAMS: Okay.</p> <p>13 (The deposition concluded at 11:45 a.m.)</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>	<p style="text-align: right;">Page 92</p> <p>1 I, CHRISTINE PORTER, have read the foregoing</p> <p>2 deposition and hereby affix my signature that same is</p> <p>3 true and correct, except as noted on the previous</p> <p>4 page(s), and that I am signing this before a Notary</p> <p>5 Public.</p> <p>6 _____</p> <p style="text-align: center;">CHRISTINE PORTER</p> <p>7</p> <p>8 STATE OF T E X A S *</p> <p>9 COUNTY OF _____ *</p> <p>10</p> <p>11 Before me, _____, on</p> <p>12 this day personally appeared CHRISTINE PORTER, known</p> <p>13 to me, or proved to me under oath or through</p> <p>14 _____ (description of identity card or</p> <p>15 other document), to be the person whose name is</p> <p>16 subscribed to the foregoing instrument and</p> <p>17 acknowledged to me that they executed the same for the</p> <p>18 purposes and consideration therein expressed.</p> <p>19 Given under my hand and seal of office on</p> <p>20 this, the ____ day of _____, 2022.</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p> <p style="text-align: center;">NOTARY PUBLIC IN AND FOR THE</p> <p style="text-align: center;">STATE OF TEXAS</p> <p>My Commission Expires: _____</p> <p style="text-align: center;">JOB NO. 70024</p>

23 (Pages 89 to 92)

Page 93

IN THE UNITED STATES DISTRICT COURT
COURT FOR THE SOUTHERN
DISTRICT OF TEXAS HOUSTON DIVISION

VIRGINIA ELIZONDO, |
Plaintiff, |

V. | Civil Action No. 4:21-CV-01997

SPRING BRANCH |
INDEPENDENT SCHOOL |
DISTRICT, ET AL., |
Defendants. |

REPORTER'S CERTIFICATION
ORAL DEPOSITION OF CHRISTINE PORTER
DECEMBER 28, 2021

I, Mendy A. Schneider, a Certified Shorthand
Reporter in and for the State of Texas, hereby certify
to the following:

That the witness, CHRISTINE PORTER, was duly sworn
by the officer and that the transcript of the oral
deposition is a true record of the testimony given by
the witness;

That the deposition transcript was submitted on
_____, 2022, to the witness, or to the
attorney for the witness, for examination, signature,
and return to Worldwide Court Reporters, by
_____, 2022;

That the amount of time used by each party at the
deposition is as follows:

MR. ABRAMS - 01:19:22

Page 95

FURTHER CERTIFICATION UNDER RULE 203 TRCP

The original deposition was _____ was not _____
returned to the deposition officer on _____,
2022.

If returned, the attached Corrections and
Signature page contains any changes and the reasons
therefor;

If returned, the original deposition was delivered
to MR. BARRY ABRAMS, Custodial Attorney;

That \$_____ is the deposition officer's charges
to the Attorney for Plaintiff, MR. BARRY ABRAMS, TBA#
00822700, for preparing the original deposition
transcript and any copies of exhibits;

That the deposition was delivered in accordance
with Rule 203.3, and that a copy of this certificate
was served on all parties shown herein and filed with
the Clerk.

Certified to by me this _____.

Mendy A. Schneider, CSR NO. 7761
Expiration Date: 1-31-2023

JOB NO. 70024

Page 94

That pursuant to information given to the
deposition officer at the time said testimony was
taken, the following includes counsel for all parties
of record:


MR. BARRY ABRAMS AND MR. MARTIN GOLANDO,
Attorneys for Plaintiff.

MR. CHARLES J. CRAWFORD, Attorney for
Defendants.

I further certify that I am neither counsel for,
related to, nor employed by any of the parties or
attorneys in the action in which this proceeding was
taken, and further that I am not financially or
otherwise interested in the outcome of the action.

Further certification requirements pursuant to
Rule 203 of TRCP will be certified to after they have
occurred.

Certified to by me this _____.


Mendy A. Schneider, CSR NO. 7761
Expiration Date: 1-31-2023



24 (Pages 93 to 95)

1 IN THE UNITED STATES DISTRICT COURT
2 COURT FOR THE SOUTHERN
3 DISTRICT OF TEXAS HOUSTON DIVISION

4 VIRGINIA ELIZONDO, |
 Plaintiff, |

5 V. | Civil Action No. 4:21-CV-01997
 |

6 SPRING BRANCH |
 INDEPENDENT SCHOOL |
7 DISTRICT, ET AL., |
 Defendants. |

8
9 THE STATE OF TEXAS :
 COUNTY OF HARRIS :

10 I, MENDY A. SCHNEIDER, a Certified Shorthand
11 Reporter in and for the State of Texas, do hereby
12 certify that the facts as stated by me in the caption
13 hereto are true; that the above and foregoing answers
14 of the witness, CHRISTINE PORTER, to the
15 interrogatories as indicated were made before me by
16 the said witness after being first duly sworn to
17 testify the truth, and same were reduced to
18 typewriting under my direction; that the above and
19 foregoing deposition as set forth in typewriting is a
20 full, true, and correct transcript of the proceedings
21 had at the time of taking of said deposition.

22 I further certify that I am not, in any
23 capacity, a regular employee of the party in whose
24 behalf this deposition is taken, nor in the regular
25 employ of this attorney; and I certify that I am not

1 interested in the cause, nor of kin or counsel to
2 either of the parties.

3
4 That the amount of time used by each party at
5 the deposition is as follows:

6 MR. ABRAMS - 01:19:22
7

8 GIVEN UNDER MY HAND AND SEAL OF OFFICE, on
9 this, the 10 day of January, 2022.



10
11 Mendy Schneider

MENDY A. SCHNEIDER, CSR, RPR

Certification No.: 7761

Expiration Date: 1-31-2023

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25

WITNESS CORRECTIONS AND SIGNATURE.

Please indicate changes on this sheet of paper, giving the change, page number, line number and reason for the change. Please sign each page of changes.

PAGE/LINE	CORRECTION	REASON FOR CHANGE
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7/3 Certain of these questions clarify.

17/17 Buford Beauport correct spelling

60/10 essential central correction:

09/2 I know Ms. Templeton wasn't said

74/19 ~~Kits~~ Kids correction

7/4/17 their ~~the~~ counts correct

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A. A. A.

[Handwritten signature]

CHRISTINE PORTER

CHRISTINE PORTER

DIANE DICKENS *Diane Dickens*

2400814
NOTARY PUBLIC, STATE OF TEXAS

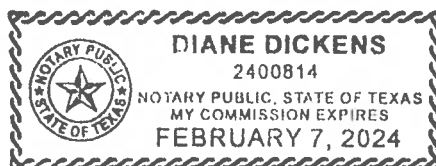
NOTARY PUBLIC, STATE OF TEXAS
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FEBRUARY 7, 2024

Feb. 7, 2024

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CHRISTINE PORTER



Diane Dickens
Diane Dickens, notary.
Feb. 7, 2024

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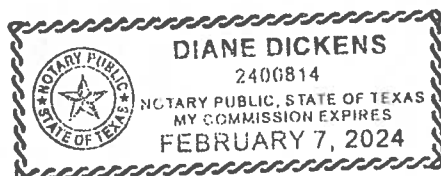
SIGNATURE OF WITNESS

I, CHRISTINE PORTER, solemnly swear or affirm
under the pains and penalties of perjury that the
foregoing pages contain a true and correct transcript
of the testimony given by me at the time and place
stated with the corrections, if any, and the reasons
therefor noted on the foregoing correction page(s).



CHRISTINE PORTER

Job 70024



Diane Dickens
Diane Dickens, notary
Feb. 7, 2024